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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 10.20 a.m.

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1. Mr. PASHKOVSKI (Bulgaria), speaking on agenda items 114 (b) and (c), said that the Vienna Declaration and Programme of Action - the final document of the World Conference on Human Rights held in June 1993 - constituted a solid basis for future activities in the United Nations system in the area of human rights. The World Conference had recommended that the General Assembly should establish a post of United Nations High Commissioner for Human Rights as a matter of priority. His delegation hoped that the question would be considered in a concrete and constructive manner so that a decision could be taken at the current session which would reflect broad agreement on the High Commissioner's mandate and other relevant aspects. His delegation was ready to contribute to that work within the working group of the Committee.

2. The most important function of the High Commissioner would be to promote universal respect for and observance of human rights and fundamental freedoms, on the basis of preventive diplomacy and early warning. He would also be responsible for system-wide coordination of the increasingly complex United Nations machinery in the field of human rights as well as implementation of the

(Mr. Pashkovski, Bulgaria)

mandates assigned by the Commission on Human Rights, the Economic and Social Council and the General Assembly.

3. His delegation felt that it would be very appropriate to entrust the High Commissioner with the coordination and promotion of technical assistance, advisory services, education and public information in the field of human rights; Bulgaria therefore welcomed the proposal that the High Commissioner should act as overall head of the Centre for Human Rights, since the Centre was currently the focal point for human rights activities of the United Nations. The World Conference on Human Rights had called for immediate steps to increase substantially the resources for the human rights programme from within the regular budget and to seek increased extrabudgetary resources. It had also requested that an increased proportion of the regular budget should be allocated directly to the Centre for Human Rights, since its workload had considerably increased. His delegation therefore welcomed the recommendation of the Committee for Programme and Coordination that there should be a proportionate increase in resources allocated to the Centre, and hoped that the General Assembly would approve that recommendation at its current session.

4. His Government recognized the need for every individual to be aware of his human rights and fundamental freedoms; he drew attention to the programme for technical cooperation which had been carried out since the end of 1991 by the Republic of Bulgaria and the Centre for Human Rights in the field of documentation, information and training, and expressed the hope that further concrete action would be carried out within the framework of that programme.

5. His delegation welcomed the growing involvement of the United Nations in the organization of democratic elections in individual Member States, for example Eritrea and Cambodia. For the United Nations that was an excellent way of promoting human rights.

6. The statements of the Special Rapporteurs had shown once again that mere accession to international human rights instruments was not enough to ensure their effective observance. In view of the regrettable gap between existing standards and reality, it was essential that the international community should monitor the question closely; his delegation was convinced that such monitoring in no way constituted interference in the internal affairs of any country.

7. Mr. MARRERO (United States of America), speaking on agenda item 114 (b), said that it was important for the Committee to build on the accomplishments of the World Conference. While the final document of that Conference, the Vienna Declaration and Programme of Action, was clearly the result of compromise between participants from many different parts of the world, there had been no compromise whatsoever on the central issue: the universality of basic human rights in all countries, regardless of their political, economic and cultural systems. The Declaration also stressed the rights of the most vulnerable groups of society and called for the immediate elimination of torture and ethnic cleansing.

(Mr. Marrero, United States)

8. The Vienna Declaration contained several proposals that would significantly improve the effectiveness of the United Nations in addressing human rights problems. The General Assembly must now take action. It must allocate more resources from the regular budget of the United Nations for human rights programmes. It must also act to implement the recommendations of the Conference on the rights of vulnerable groups, the elimination of torture, enforced or involuntary disappearances and summary executions, and cooperation with non-governmental organizations. The United States joined many other countries in calling for the appointment of a High Commissioner for Human Rights. The High Commissioner should have the authority to ensure the integration of human rights concerns throughout the United Nations, and to coordinate activities carried out in that field. He should also oversee the provision of advisory services to countries committed to improving their human rights performance, as well as all other programmes of the Centre for Human Rights.

9. His Government had made the elimination of torture by the year 2000 one of its priority goals at the World Conference. Far from being confined to isolated cases or to an age long past, torture was still being practised in many countries, often with the knowledge of the authorities, and generally in order to impose silence on an active minority. The Vienna Declaration condemned torture and called on States to put an end to it forever. However, less than half the Member States had signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since its adoption by the General Assembly in 1984. The United States had signed that Convention and was working on passing the implementing legislation; it strongly urged other members of the international community to do the same and expressed continued support for a draft protocol establishing a system of confidential periodic prison visits.

10. Another key component of the fight against torture was assistance to torture victims and their families. In 1992, the budget of the United Nations Voluntary Fund for Victims of Torture, established in 1981, had been a mere $1.6 million. In 1993, the United States had contributed $500,000 to the Fund and it hoped that other countries would also give generously. Torture was one of the worst human rights violations imaginable. All victims of torture must receive treatment and rehabilitation, and all torturers must be brought to justice. The United States urged all States to prosecute vigorously those who were guilty of torture.

11. Mr. HJELDE (Norway), speaking on agenda items 114 (b) and (c), also recalled the action oriented nature of the Final Document of the Vienna Conference and the Assembly's responsibility regarding the follow-up to the Declaration and Programme of Action. Norway endorsed the principles set forth in the Declaration, and was also in favour of establishing a post of High Commissioner for Human Rights.

12. His delegation wished to draw the Committee's attention to a number of topics which had not met with the attention they deserved at the Conference, specifically human rights in situations of internal strife and armed conflicts. When a country experienced serious problems of that kind, its Government

(Mr. Hjelde, Norway)

frequently proclaimed a state of emergency, which allowed it to derogate from the provisions laid down in international human rights treaties. However, there were minimum standards and guarantees from which no derogation could be made. Norway intended to consult other interested Governments on the question of drafting a United Nations Declaration on minimum standard rules of protection to be applicable in all situations.

13. Norway strongly supported the conclusions of the representative of the Secretary-General on internally displaced persons and had drafted a resolution on the matter which it hoped would be adopted by consensus.

14. One of the main tenets of the human rights system was that all persons were born free and equal in terms of human rights. That basic principle was currently under severe attack, particularly in the territory of the former Yugoslavia. Norway supported the international efforts being made to bring those responsible to justice. Ethnic tension and conflict also persisted in the trans-Caucasus region, including Armenia, Azerbaijan and Georgia. The international community must redouble its efforts to find peaceful solutions to those problems, for example by assisting the parties concerned to enter into mutual agreements on peace-keeping missions, including human rights monitoring, with the assistance as necessary of the Conference on Security and Cooperation in Europe and the United Nations.

15. He urged the international community to respond vigorously to the rise of ethnic nationalism, racism and intolerance, and welcomed the appointment by the Commission on Human Rights of a Special Rapporteur to consider those matters, and the decision to launch a third decade against racism and racial discrimination.

16. Norway was particularly concerned that many indigenous peoples continued to be deprived of their human rights and fundamental freedoms, as in the case of the recent massacre of Yanomami Indians on the frontier between Venezuela and Brazil, and it supported the plan for an International Decade for Indigenous Peoples and endorsed the idea of establishing a permanent body for indigenous affairs within the United Nations. It also looked forward to an early completion of the draft declaration on the rights of indigenous people.

17. Freedom of expression was a fundamental human right. In the course of 1992, 50 writers and journalists all over the world had been killed, more than 100 imprisoned and 1,500 subjected to torture and maltreatment. Norway condemned the death sentence imposed on the British writer Salman Rushdie and renewed the October 1993 appeal of the four Nordic countries to the Iranian Government to disassociate itself from that incitement to murder. It continued to be concerned about the restrictions on freedom of the press in Iran and the discrimination on the grounds of religious belief to which certain of its citizens, including the Baha'i community, were subjected. It was also concerned over the massive and grave violations of human rights in Iraq, especially the attacks on the Kurdish people and on the civilian population in the southern Shia centres and the southern marshes. It again urged the Government of Iraq to allow the stationing of human rights monitors throughout the country.

(Mr. Hjelde, Norway)

18. Norway was aware of the increasingly close link between democracy and respect for human rights and it stood ready to support those countries which were seeking to strengthen the rule of law. It deplored the fact that some governments, such as the Government of Myanmar, saw fit to disregard the will of their people as expressed through free elections. There had been some encouraging developments in Africa, but it was concerned at the tragic events that had taken place in Burundi, Angola, Somalia and Sudan, and urged that every effort should be made to find a negotiated settlement of those conflicts.

19. Building peace and confidence was never an easy matter, and the United Nations was sometimes called upon to play an active part in restoring peace. He cited the example of El Salvador as being particularly encouraging, but expressed misgivings about the persisting violations of human rights in that country. He was also concerned about the situation in Guatemala and urged the parties to work towards national reconciliation.

20. His delegation paid tribute to all those labouring on behalf of human rights, but stressed the need to improve the coordination of activities and to link the protection of human rights with development activities and with peacemaking and peace-keeping operations.

21. Mr. TAYLHARDAT (Venezuela) recalled the four main points of the Vienna Declaration and Programme of Action: namely, the universality of human rights; the universal and inalienable nature of the right to development which was a fundamental human right; the recognition of the relationship between democracy, development and respect for human rights and fundamental freedoms; and the decision to strengthen international cooperation in the field of human rights. Venezuela attached special importance to the agreements reached in the areas of the rights of women, of the child, of disabled persons and of vulnerable groups. I wished also to affirm the inherent dignity and rights of indigenous people. In response to the comments of the Norwegian representative, he assured the Committee that Venezuela was doing all that it could to identify those responsible for the massacre of the Yanomami Indians and bring them to justice.

22. His delegation stressed the close link between democracy, respect for human rights and development, and drew attention to the various reports on the situation of human rights in Venezuela submitted over the last few months by important non-governmental organizations. It recognized that the country had had a difficult year: it had been obliged to deal not only with the social consequences of its economic reform programme but also with political troubles threatening to undermine its democratic system. Although some abuses might have been committed, there had been no deliberate policy to that effect on the part of the Venezuelan Government: on the contrary, it had made every effort to protect fundamental human rights, which were inscribed in the country's constitution, and to safeguard the access of all Venezuelans to the mechanisms and organs established to ensure respect for the law and the administration of justice. Measures would be taken to correct the unfortunate incidents that had been reported, for Venezuelan society was deeply attached to democracy, as was shown by the fact that it was preparing to elect its eighth President in 34 years of democratic rule.

(Mr. Taylhardat, Venezuela)

23. Venezuela was anxious to prevent human rights from being politicized. It therefore supported the appointment of a High Commissioner for Human Rights, AS recommended by the Vienna Conference, and hoped that his mandate would include three major tasks. He should work to protect human rights and fundamental freedoms throughout the world, in other words act as a mediator at the world level; he should promote respect for individual freedoms, by making sure that all people were aware of their rights and of the means available to them to ensure that they were respected; and he should coordinate the efforts of the entire United Nations system in the field of human rights. His delegation hoped that the Working Group would agree without delay on the High Commissioner's mandate so that he could take up his duties as soon as possible.

24. Having studied the various special reports submitted to the Committee, he wished to draw the Committee's particular attention to the case of Haiti, where the human rights situation was steadily deteriorating. His delegation had sponsored a draft resolution on the subject which it hoped would be adopted by consensus.

25. Mr. OKOUA (Togo), referring to item 114 (b), said that at the end of the century, a period marked by the uncertainties and instability of a changing world, despite the end of the ideological confrontation between East and West and the establishment of a new international order armed conflicts, violations of human rights, the non-observance of international humanitarian law, the widening gap between North and South, injustice and social inequalities remained major obstacles to be overcome in the struggle to achieve full freedom and dignity for all mankind.

26. For the peoples of the developing countries, stricken by lack of food, accommodation, health care, education and employment, the poverty situation was sometimes such that one wondered whether in the circumstances human rights were of any significance.

27. Admittedly the World Conference on Human Rights had forged consensus on a number of basic issues including universality of human rights with due regard for the specific characteristics and cultural differences of nations, the interdependence of democracy, development and respect for human rights and fundamental freedoms, and the right to development as an inalienable human right. It had also highlighted the fact that human rights efforts would be futile while two thirds of the world lived in material and spiritual poverty. Since development and the promotion of human rights were indissociable, any advance in the full realization of human dignity depended on real progress in reducing economic and social inequalities. Togo's main concern was therefore the promotion of economic and social rights, including the right to development.

28. In 1986 the General Assembly of the United Nations, by its resolution 41/128, had proclaimed that "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development ...". Unfortunately, the obstacles to the full realization of the right to development had not yet been eliminated. For that

(Mr. Okoua, Togo)

reason Togo welcomed the recommendation of the Vienna Conference to the effect that the thematic working group on the right to development established by the Commission on Human Rights should promptly formulate, for consideration by the General Assembly, comprehensive and effective measures to eliminate obstacles to the implementation and realization of the Declaration on the Right to Development and should recommend ways and means towards the realization of the rights to development by all States. It hoped that the first session of the working party had made some headway in achieving those objectives.

29. On account of the interdependence of members of the international community, the growing marginalization of many countries, especially in Africa, must be accorded priority. Many African countries were seeking to establish the rule of law, democratic pluralism and the protection and promotion of human rights, but the social, economic and political costs of such a transition created enormous tensions, even conflicts, which might jeopardize the progress made unless decisive international support was provided to facilitate and encourage the process.

30. Given the shared destiny of the world's nations, the responsibility for creating an environment conducive to the observance of human rights, by rapidly giving effect to the right to development and drawing on the synergy between development, peace and respect for human rights required to create conditions whereby every human being could enjoy the economic, social and cultural as well as the civil and political rights to which he was entitled under the relevant international instruments, must also be shared by all.

31. His delegation reaffirmed that formulation of appropriate policies was first and foremost the responsibility of States, and appealed for greater mobilization on the part of the international community with a view to the establishment of the rule of law and the implementation of the Declaration on the Right to Development, for it was only when the basic needs of human beings were satisfied that the essential foundations could be laid for democracy and an international order in which peace and mutual understanding would prevail.

32. Mr. BIGGAR (Ireland) associated himself fully with the statement made by the representative of Belgium on behalf of the European Union, and said that his remarks would focus essentially on the question of freedom of religion or belief and the elimination of all forms of related discrimination.

33. His delegation welcomed the fact that in its general comment on article 18 of the International Covenant on Civil and Political Rights, the Human Rights Committee had reaffirmed the importance of the right to freedom of thought, conscience and religion, and had emphasized the wide range of beliefs covered by and the very limited restrictions permitted under the Covenant.

34. The need to protect freedom of religion and belief and to prohibit any discrimination in that regard had been recognized by many instruments, such as the Charter of the United Nations, Universal Declaration of Human Rights, International Covenant on Civil and Political Rights or the Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion

(Mr. Biggar, Ireland)

or Belief, according to which "religion or belief, for anyone who professes either, is one of the fundamental elements in his conception of life ...". Religion or belief were among the factors which served to define national or cultural identity, and the denial of that right had particularly serious consequences for the individual and society.

35. Unfortunately, despite the broad consensus existing on the subject, grave violations of religious freedom persisted in many countries, as borne out by the most recent report submitted to the Commission on Human Rights by the former Special Rapporteur, Mr. Angelo Vidal d'Almeida Ribeira, or the reports by other Special Rapporteurs on the human rights situation in a number of countries, including the former Yugoslavia, Iran and Iraq.

36. In the worst cases, members of religious minorities had been subjected to systematic persecution, summary executions, torture and other discriminatory measures which threatened their existence. Sometimes, minority groups were prohibited from manifesting their religious beliefs, when they were not obliged to practice the dominant religion, and certain traditional beliefs and practices were undermined with a view to stifling political dissent. Elsewhere, violations of the right to freedom of religion or belief were the consequence of conflicts involving different ethnic or national groups, proof of which was the destruction of religious sites in the former Yugoslavia.

37. As the World Conference on Human Rights had recalled, it was the responsibility of all States Members of the United Nations, in conformity with the Charter, to promote and protect the fundamental rights and freedoms. The legal guarantees provided by their respective constitutions and legislation were not sufficient. Governments must ensure that such rights applied in practice to all citizens.

38. It was particularly important that limitations on human rights should be kept to a minimum and that any restriction should conform strictly with international human rights standards. His delegation agreed with the view of the Human Rights Committee that no limitation on the freedom of thought or conscience was permissible. Nor was any limitation permissible on the freedom to have the religion or belief of one's choice, and the right to manifest one's religion or belief, unless that limitation conformed strictly with the criteria set out in the Covenant, article 18, paragraph 3.

39. There was a growing need to inculcate tolerance at all levels of society, through education and other means. A significant role could be played in that connection by Governments, the United Nations and other bodies, particularly non-governmental organizations, which were to the forefront in bringing cases of discrimination to the attention of the international community; but ultimately it was for individuals to examine their consciences and ensure that they did not, consciously or otherwise, practise discrimination against others.

40. His delegation would shortly introduce a draft resolution on the elimination of all forms of intolerance based on religion or belief. He hoped that it would be adopted by consensus, thus demonstrating the determination of

(Mr. Biggar, Ireland)

the international community to ensure that all might profess the religion or belief of their choice.

41. Mr. LONGCHAMP (Haiti), speaking on agenda item 114 (c), said that the Special Rapporteur on the human rights situation in Haiti had conveyed most truthfully and accurately the tragic reality undergone by Haitian society, which had, with the election of President Aristide on 16 December 1990, made its first democratic experiment since independence and had then had it snatched away by the leaders of the coup d'état of 30 September 1991. Since then the military had been engaged in keeping the terror at its highest pitch in order to prevent the restoration of democracy and the constitutional Government of President Aristide, and to prolong their unlawful status indefinitely.

42. Flagrant and persistent human rights violations had long formed part of the social and political reality of Haiti. The armed forces and the police helped a minority to control the country. Everywhere in every state the army could violate the Constitution with full impunity and neither the military nor their associates were ever brought to trial. On innumerable occasions they had refused to act on arrest warrants against senior officers or supporters of the former dictator, Jean-Claude Duvalier. Under such conditions the administration of justice became practically impossible and the Haitian people lacked the means of appeal to which they were entitled from an independent and fair system of justice.

43. The critical human rights situation in Haiti would improve only if the military were to return to their barracks and restrict themselves to their strictly non-political role under the Constitution which was to "ensure the security and integrity of the territory of the Republic".

44. The army had not, however, agreed to implement the Governors Island Agreement, signed by the President of the Republic and the General-in-Command of the armed forces and recognized by the Haitian Government and the international community as the only frame of reference for a definitive settlement of the crisis. By refusing to submit to the civilian authorities, the military had reinforced the institutionalization of violence against all Haitians who wished for the return of President Aristide and law and order. They had not hesitated to assassinate the Minister of Justice, who had been working on an efficient judicial system and on submitting to Parliament a bill on the separation of police and army. In such a climate of daily human rights violations the Haitian Government appealed for the return of the United Nations Mission in Haiti, which could help to restore the people's confidence by showing them that the international community was not indifferent to their fate.

45. The moral values claimed by the Haitian people - the restoration of freedom, equality and dignity - were an integral part of the aims and principles set out in the United Nations Charter and the Universal Declaration of Human Rights. The return of President Aristide would mean that, as he had promised both at the Human Rights Committee in February 1992 and elsewhere, the country's democratic institutions could be strengthened and an independent system of justice could be established which would at last respect the rights of Haitians.

(Mr. Longchamp, Haiti)

No effort would be spared by the Haitian Government to restore the people's confidence in a reformed judicial system, since it was convinced that the effective and fair administration of justice was crucial to real national reconciliation.

46. Mr. BURCUOĞLU (Turkey), speaking on agenda item 114 (b), said that with the disorder created by the new areas of tension and conflict, which could be seen throughout the world, the establishment of a new international order proved to be more essential than ever. Such an order depended on both respect and supremacy for law and pluralism, the only context in which the universal values of humanity could flourish, namely democracy, freedom, the protection of human rights and development, which were all closely interlinked. On that account, the World Conference on Human Rights had made it possible to achieve a consensus on fundamental human rights principles and to strengthen international cooperation in that area.

47. In that context the Turkish delegation was obliged to say that the statement made on 23 November by the representative of Belgium, on behalf of the European Union, did not conform with that spirit of cooperation. The President of the European Union had criticized some 30 countries, including Turkey, which had been taken to task on the basis of the brief summary record of the Committee against Torture, for which the Turkish Government would, moreover, provide a detailed reply.

48. Reaffirming that his country was open to constructive and sincere criticism, to which it would give serious consideration, he needed, however, to make several points. First, human rights were part of a dynamic process, the driving forces of which were democracy, transparency, monitoring mechanisms, criticism and self-criticism; perfection in the area of human rights could therefore not exist in any country.

49. Secondly, the Committee against Torture was the body responsible for monitoring the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which only 78 States were parties, including Turkey, whereas two States members of the European Union had still not signed. Moreover, some of the countries of the European Union which were parties to the Convention had not, unlike Turkey and a small number of other States, made the declarations provided for under articles 21 and 22 of the Convention. Indeed, a State member of the European Union had been criticized by the Committee against Torture at its eleventh session, when the Committee had deplored the consistently bad treatment and acts of torture meted out in police stations and places of detention in the country concerned, the slowness of inquiries and the impunity that such faults seemed to enjoy. Pre-trial detention was also of excessive length.

50. Thirdly, the Subcommission on Prevention of Discrimination and Protection of Minorities was conducting a confidential inquiry, directed at a State member of the European Union, on the procedure for dealing with communications relating to violations of human rights and fundamental freedoms [Economic and Social Council resolution 1503 (XLVIII)].

(Mr. Burcuoğlu, Turkey)

51. Fourthly, with regard to the problem of minorities, two of the States members of the European Union did not admit to having any minorities in their own territory. Lastly, while, thanks to article 15 of the Vienna Declaration, "the speedy and comprehensive elimination of all forms of racism and racial discrimination, xenophobia and related intolerance was a priority task for the international community", everybody knew in which countries those new forms of racism and xenophobia had appeared and who had fallen victim thereto.

52. In that context his delegation considered the judgement made by the European Union on his country to be out of order and without validity. The European Union, which had the temerity to inspect a whole series of countries to give them bad marks, should have the courage to undergo self-criticism because to a country like Turkey which was making steady progress in the field of human rights and was aware of what remained to be done, the position of the European Union was unfair and groundless.

53. In conclusion, his delegation called on the States members of the European Union which were not parties to the Convention against Torture to ratify it, and to those who had not made the declarations provided for in articles 21 and 22 to do so. It invited the States members of the European Union to look at themselves with a critical eye if they wanted to be credible and remained, for its part, determined to work for the promotion and protection of human rights and for international cooperation in that field.

54. Mr. DIALL (Mali), speaking on agenda item 114, said that despite the growing number of countries which had undertaken to implement the Universal Declaration of Human Rights and other legal international human rights instruments, the world continued increasingly to experience violence, war, injustice, disease, famine and poverty, as was the case in former Yugoslavia, Angola, Somalia and Burundi. That was because even universal accession to all the legal instruments would not be enough by itself unless that commitment was accompanied by mechanisms for effective implementation. His delegation had taken note with interest of the statements made by the Assistant-Secretary-General for Human Rights and the Chief of the service for the implementation of international instruments and the procedures of the Centre for Human Rights as well as the various reports submitted on questions relating to human rights. It commended the various human rights bodies on the quality of their work and requested in turn that they should be equipped with resources sufficient to enable them to perform their functions efficiently.

55. Recalling that the World Conference on Human Rights had reaffirmed the universal nature of human rights and the need for the United Nations to make a priority of ensuring the promotion and protection of fundamental freedoms and rights, and that many countries had stated that the rights of the individual were based on human dignity and that States had the responsibility to ensure their implementation, Mali appealed to all Member States who had not yet done so to accede to the various legal instruments on the protection of human rights, and to States parties to those instruments which had registered reservations to them to reconsider their position.

(Mr. Diall, Mali)

56. In Mali, which was party to the main relevant international instruments, the human rights situation had made significant progress with the establishment of democracy and transparency in public affairs, which citizens had the right to monitor. The new Constitution, adopted on 12 January 1992, reaffirmed the commitment of the Malian people to abide by the Universal Declaration of Human Rights (1948) and the African Charter on Human and People's Rights (1991); its first chapter contained guarantees for the respect of fundamental rights, it stated that the individual was sacred and inviolable and prohibited the practice of torture and racial, sexual and religious discrimination, adding that any person who was subjected to persecution could enjoy the right to asylum in Mali. Furthermore, the President of the Republic had established a ministry in the Government which was specifically responsible for human rights and whose mission was to work towards a more widespread dissemination of human rights through education and information, and to ensure that they were applied.

57. In Mali the great variety of media provided a framework for plural expression as well as helping to inform citizens of their rights and freedoms. Thus, the private press, at that time represented by more than 50 independent titles, had played a considerable role in the struggle of the Malian people for greater freedom and justice and in the introduction of democracy, and 15 free radio stations were authorized. In addition, the Constitution had provided for the establishment of an independent body which would ensure equal access for all to the State media. It was those efforts made in favour of the freedom of the press which recently led Mali to host an international meeting on the theme of pluralism in the radio sector.

58. In the spirit of dialogue and coordination for the respect of human rights, the Government of democratic Mali had signed a national covenant to end the armed rebel movement which had broken out in the northern regions of the country. It was also within the framework of a State subject to the rule of law that the trial of the former President of the Republic, the senior members of his party and the members of his Government had been held. Convinced that democracy, human rights and development were closely linked concepts, his Government was continuing its efforts to reinvigorate economic activity which, alone, could guarantee social and political stability by meeting the fundamental needs of the population, an indispensable condition for full enjoyment of human rights. There was indeed a problem with resources and Mali requested that support should be given to all Governments involved in political renewal in order to maintain and consolidate the democratic process and the State subject to the rule of law which had sometimes been installed at a very high price.

59. Mr. AKRAM (Pakistan), speaking on agenda item 114 (b), said that the standards contained in United Nations instruments on human rights had rapidly acquired the status of universal values. However, the international community should not rest on its laurels since, despite their claims, many States had not made those norms part of their policies. He hoped that with the end of ideological confrontation it would be possible to reach an East-West and North-South consensus on social and economic development, democratization and respect for human rights. For the moment, the specific dimensions of human rights, the

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rights of individuals and of groups and the relationship between socio-economic development and enjoyment of human rights should be clarified further.

60. It was particularly at times of armed conflict and when the right to self-determination was suppressed that human rights violations became intensified. Those conflicts, as well as disrupting international peace and security, spawned acts such as genocide, ethnic cleansing, murder, rape, torture, extrajudicial and summary executions and enforced and involuntary disappearances. It was therefore important for the United Nations to make every effort to prevent and eliminate those conflicts through peaceful settlement, preventive diplomacy and, where necessary, collective enforcement measures. The enhancement of international and regional peace and security would pave the way to create conditions for universal respect for human rights and fundamental freedoms.

61. He deliberately refrained from mentioning the human rights situation in Jammu and Kashmir and said that, at the Vienna Conference on Human Rights, some delegations had hesitated to associate themselves with the call to lift the arms embargo on Bosnia and Herzegovina, thus prolonging the suffering of the Bosnian people.

62. Poverty was another root cause of human rights violations in the third world. Some 250,000 children died each week due to malnutrition and disease; each year 20 million people died of starvation and related diseases and half a million women died during pregnancy or childbirth. Poverty also bred social disruption, as in the case of Somalia, and contributed to environmental degradation, further reducing the possibilities of economic development. The international community must therefore cooperate in evolving a common strategy to banish the curse of poverty through enhanced international economic cooperation, development assistance and reform of national and international structures.

63. His delegation hoped that, thanks to the new sensitivity concerning human rights, the right to development would be translated into practical policies for balanced socio-economic development and that tangible links would be established between development and the realization of fundamental human rights. It was self-evident that inter-State relations should be based on the principles of sovereignty and territorial integrity of States, as enshrined in the United Nations Charter, and the behaviour of certain States undeniably tarnished such principles.

64. His country believed that the procedures for the consideration of communications concerning human rights violations needed to be reviewed to render them more credible and efficient. Those procedures, which had been approved by Economic and Social Council resolution 1503 (XLVIII), had been elaborated with extreme circumspection, but had subsequently revealed their weaknesses. Firstly, they were too slow. It took almost two years from the time when individual complaints were received by the Centre for Human Rights to the time when the Commission on Human Rights was in a position to take action. Secondly, the written communications procedure militated against populations and peoples where literacy levels were low and United Nations procedures were

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unknown. The United Nations bodies dealing with human rights were therefore required to depend almost exclusively on reports and documents compiled by non-governmental organizations such as Amnesty International, Asia Watch, the International Commission of Jurists, the International Committee of the Red Cross and others. Lastly, since the decisions of United Nations bodies were taken by Governments, they were more likely to be political and to lack objectivity. His delegation noted with regret that decisions on human rights violations related mostly to smaller States rather than large and influential States. It was therefore necessary that the machinery for monitoring human rights violations should adopt more objective and equitable procedures. In particular, the procedures contained in Economic and Social Council resolution 1503 (XLVIII) needed to be accelerated and supplemented by new and more effective mechanisms.

65. His Government, having carefully examined the proposal for the creation of the post of United Nations High Commissioner for Human Rights, supported it, in the conviction that a United Nations official responsible for monitoring the global human rights situation would ensure objectivity, impartiality, universality and non-discrimination, and that it would be preferable for the High Commissioner to report on human rights violations rather than the embassy of another country, which was likely to be guided by political considerations, or a non-governmental organization, which might rely only on partial sources. Moreover, the High Commissioner, being answerable to the United Nations intergovernmental bodies, would be considerably more circumspect in his conclusions and would doubtlessly give the facts a more thorough examination. The High Commissioner would need to take cognizance of all situations where human rights were being violated, which would eliminate, or at least attenuate, the selectivity and discrimination which were evident in the current United Nations action on human rights. Lastly, the High Commissioner could call attention to violations more quickly, thus redressing to some extent the shortcomings of the procedures provided for in Economic and Social Council resolution 1503 (XLVIII).

66. The recently elected Government of Pakistan was convinced that the promotion of respect for human rights was essential to strengthen the country's democratic institutions to foster national unity and to invigorate socio-economic development. It had taken measures to enhance the representation of women in public bodies and would address the problems of minorities and other groups. His Government would actively consider ratifying the International Covenants on Human Rights.

67. The link between democracy and human rights had been firmly established. There could be no hope of eliminating injustices and human rights violations without democratization. On the other hand, democracy should not serve as a screen behind which human rights were violated with impunity. Through democracy it was possible not only to safeguard human rights, but also to increase economic progress, social justice, equality of opportunity and pluralism. His delegation believed that persuasion was the best means of promoting democracy. If an international democratic culture was to emerge, it must assimilate the

(Mr. Akram, Pakistan)

best of all political and cultural systems drawing from the unique historical experiences of those systems in order to enrich itself.

68. Mr. EL-KHAZEN (Lebanon) recalled that his country, which had been one of the drafters of the Universal Declaration of Human Rights, said that huge areas of southern Lebanon were still occupied by Israel, despite Security Council resolutions 425 (1978), 508 and 509 (1982) as well as resolutions adopted by the Commission on Human Rights, the latest of which had been adopted quite recently, at its forty-ninth session. His country, which had always adhered to the universal values of human rights, saw those rights violated on a daily basis in its own territory by Israel, whose policies represented a flagrant contravention of the Fourth Geneva Convention of 1949 and the fourth Hague Convention of 1907, international law, the Universal Declaration of Human Rights and all United Nations resolutions. Southern Lebanon was subjected every day to air raids and artillery shelling; the media recorded the arrest and expulsion of citizens, the destruction of their homes and the confiscation of their property.

69. Israel, in violation of the International Covenants on Human Rights and customary international law, had for many years prevented the International Committee of the Red Cross from carrying out the mission required entrusted to it by the Commission on Human Rights in its resolutions, namely to visit the two detention centres of Al-Khiam and Marjayoûn, where more than 200 Lebanese were being held illegally. It was time for Israel to heed the appeals from international bodies by releasing the detainees, and respecting customary law as well as the international principles and resolutions adopted by the United Nations, particularly at the current stage of the peace talks, which required mutual trust.

70. His country, which desired peace and stability, and was convinced that every Lebanese citizen had the right to live in dignity within its liberated territories, called on the international community to assume its responsibilities fully and demand that Israel put an end to its practices and implement the Security Council resolutions, all of which called for its unconditional withdrawal to internationally recognized boundaries. His country reiterated its attachment to human rights and peace, which were complementary, in order that justice and human dignity might prevail.

71. Mr. LAZAREV (United Nations Educational, Scientific and Cultural Organization (UNESCO)) speaking on agenda item 114 (b), said that the idea of making 1995 the year for tolerance had been raised at the twenty-sixth session of the General Conference of UNESCO, in 1991 (resolution 26 C/5.6). In implementation of that resolution, consultations had been held with the United Nations, leading to the adoption of resolution 47/124, in which the General Assembly had welcomed UNESCO's initiative and had requested the Director-General to prepare, in cooperation with other interested organizations, suggestions on the observance of the United Nations year for tolerance and to submit them to the General Assembly at its forty-eighth session, through the Economic and Social Council. The Council had considered the question at its 1993 substantive session and had adopted resolution 1993/57. The representatives of several countries had supported the UNESCO initiative, calling for more serious

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reflection within the framework of the year, aimed at redefining the basic concepts underlying the notion of tolerance, and expressing their support for the draft Declaration on Tolerance (A/48/210).

72. At its twenty-seventh session, the General Conference of UNESCO also discussed the question, and the draft won unanimous support from the Member States which, in a resolution adopted on 15 November 1993 (available to the Commission) invited inter alia the Director-General of UNESCO to continue his efforts, in close collaboration with the Secretary-General of the United Nations, the relevant United Nations bodies, the non-governmental organizations and the Member States in order to draw up the proclamation for the 1995 United Nations year for tolerance. Since the adoption of resolution 47/124, UNESCO had held preliminary consultations with United Nations specialized agencies and other intergovernmental organizations requesting that they should share their experience and skills. The year for tolerance, which would coincide with the fiftieth anniversary of the United Nations, should be the occasion for all States, in the context of common actions, to strengthen the bonds of complementarity and to reacquaint themselves with the reasons which had presided over UNESCO's birth, i.e., as stated in the Constitution of UNESCO, to ensure that the doctrine of the inequality of men and races might never recur.

73. In the face of rising nationalisms, the resurgence of racial and ethnic prejudices confronting the world with ignorance, fear and hatred, in which post-cold war political spaces were transformed and violently dismantled, in the face of the crises of the contemporary world, a unanimous will affirming the value of tolerance and democracy, human rights and solidarity must be reformulated. The practice of tolerance appeared in the preamble of the United Nations Charter as the primary means of peace-keeping, justice, respect for human rights and promotion of social progress. Tolerance was not only an attitude of mutual respect but was also bound to the mechanisms of the social operation for regulating bonds between men, manifested through action in the fields of law, public health, the economy, justice, education, the environment and communication. The conditions for stability and well-being mentioned in Article 55 of the United Nations Charter were founded on the ethic of shared responsibility which counted on collective forms of tolerance and concerned all mankind on whose future it staked. To promote that year, there should be active cooperation and participation of all so that, faced with the new forms of intolerance threatening the ideals which had presided over the establishment of the United Nations, the international community might once again recover the meaning of the primary commitment of nations resolutely "united" to maintain peace.

74. As for the World Conference on Human Rights, he recalled that, at its twenty-sixth session, the General Conference had supported holding in 1993 an International Congress on education concerning human rights and democracy, convened jointly by the Centre for Human Rights and UNESCO which it thought might be useful for the World Conference. Held in Montreal, Canada, in March 1993, the Congress had proposed an action plan for education on human rights and democracy which was presented by UNESCO at the World Conference and which was mentioned in the declaration and Programme of Action adopted at

(Mr. Lazarev, UNESCO)

Vienna. In order to establish an appropriate follow-up programme, UNESCO supported the emphasis laid in the Vienna Declaration and Programme of Action on the need for active cooperation within the United Nations system among competent bodies, organizations and specialized agencies in the area of human rights. In that perspective, UNESCO and the Centre for Human Rights had already begun consultations. In addition, UNESCO supported the idea of proclaiming a decade for human rights education which would serve to crystallize and strengthen efforts undertaken in that context by the United Nations.

75. UNESCO would continue to work for human rights education and democracy, inspired by the principles stated in the plan of action and endeavouring to realize the seven specific strategies planned, including the establishment by UNESCO of a follow-up committee primarily for monitoring implementation of the Plan of Action by the Member States. The question had already been taken up during the twenty-seventh session of the General Conference and would be thoroughly reviewed during the one hundred and forty-fourth session of the Executive Board in the spring of 1994 in the light of decisions to be taken by the General Assembly at its forty-eighth session. As for its activities on human rights education, UNESCO paid particular attention to vulnerable groups such as minorities, women and children. Faithful to its mandate, however, it was also interested in the cultural rights of persons belonging to minorities which were especially threatened today.

76. Mrs. DROZD (Belarus), speaking on agenda item 114 (b), said that almost 50 years since the adoption of the Universal Declaration of the Rights of Man, fundamental political, civil, economic, social and cultural rights were still flouted in most countries of the world. The end of the cold war had not yet permitted setting up a new world partnership founded on justice. The vast majority of human beings were not always able to exercise their individual rights nor to enjoy democratic freedoms.

77. In many countries, the human rights situation was aggravated by inter-ethnic, religious and military conflicts which, in flagrant violation of the fundamental principle that all men were born free and equal in dignity and in rights, on which the Universal Declaration of Human Rights rested, thousands of people were forced to flee from their homes or countries.

78. Her Government was in a good position to understand that the process of establishing a democratic society was not simple. The heritage of a totalitarian past, the absence of a legal system capable of defending individual rights caught up in an all-powerful bureaucracy and struggling under increasingly difficult economic problems, of course, had to be borne. Nevertheless, the society of Belarus was undergoing undeniable positive transformations. The country had already more than 30 laws governing the transition to a market economy. The Parliament was reviewing a draft constitution which should ensure that the democratization process was irreversible. That project had not only taken its inspiration from the constitutions of other countries, but also drew from the historic void the constitutional standards of the end of the sixteenth century recorded in one of the earliest European legal codes still relevant and known as the Statute of the

(Mrs. Drozd, Belarus)

Grand Duchy of Lithuania. The fundamental law of Belarus laid down the principles of the separation of legislative, executive and judiciary powers and the supremacy of international law over national law, and guaranteed the individual rights and freedoms via implementation of the mechanisms indispensable for their protection. As early as 1991, Belarus had ratified the first Optional Protocol to the International Covenant on Civil and Political Rights and had recognized the competence of the Committee on Human Rights in respect of its article 41.

79. Belarusian society was in the process of acquiring a new political organization. The State no longer held a monopoly for protecting human rights; henceforth, non-governmental organizations such as the very recently established League of Human Rights could make themselves heard. The country stood out because of its religious tolerance and the high mutual respect practised by the 19 religions represented there which all enjoyed equal rights. Belarus today was one of the few countries in Europe where the major Catholic and Orthodox religious holidays were observed as public holidays.

80. The situation of inter-ethnic relations was also positive. In Belarus, there was an almost complete absence of extremist movements and parties stirring hatred, xenophobia and anti-semitism. Belarusians were traditionally tolerant and respectful of other nations' beliefs. In the centre of Europe, they endeavoured to maintain a religious and interethnic balance which they hoped would permit safeguarding stability and irreversibility of democratic transformation of society. The country had also adopted democratic laws on national minorities, freedom of belief and the position of foreigners and stateless persons. More than 200,000 migrants and stateless persons were in Belarusian territory for various reasons, and all were protected by law. Under the Nationality Act, the mandatory entry of nationality in passports had been eliminated and replaced by the universal concept of "citizen" of the Republic of Belarus.

81. Past errors weighed heavily on the country, but the democratization process was based on the conviction that a State under constitutional law and a democratic system met the hopes of all the members of the Belarusian society.

82. The World Conference on Human Rights had provided the opportunity to reaffirm the fact that it was for States to ensure that persons belonging to national minorities should be able to exercise their fundamental rights and freedoms with no restrictions of any kind. The situation of Belarusians living abroad, near or far, did not leave Belarus indifferent. Her delegation welcomed the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. It believed that it was important and urgent for the United Nations to defend the rights of minorities, and it supported the Secretary-General's proposal to establish, in the framework of the United Nations specialized agencies, a mechanism for monitoring implementation of the rights and principles set forth in the Declaration.

83. The Declaration and Programme of Action adopted at the Vienna Conference had reaffirmed the universality, indivisibility and complementarity of human

(Mrs. Drozd, Belarus)

rights. Individuals enjoyed from birth fundamental rights and freedoms which Governments and the international community must promote and protect. In that regard, her delegation approved United Nations efforts to strengthen the work of the competent national agencies, which provided in particular advisory services and technical assistance to States that so requested, and it advocated a close review of the "Principles relating to the status of national institutions", the implementation of which had been recommended by the International Workshop on National Institutions, for the Promotion and Protection of Human Rights, held in Paris in October 1991.

84. In conclusion, her delegation considered it essential to focus not so much on new standards as how to enforce strictly those that already existed. In the final analysis, foreign policy and developments in the international economic situation were more easily anticipated when States respected human rights, brought their domestic legislation into line with international standards and participated in the international monitoring system. That opened the way for an international society made up of democratic States which recognized the overriding importance of international law.

85. Miss AIOUAZE (Algeria), speaking on agenda item 114 (b), said that the World Conference on Human Rights, held at Vienna, with its review of international activities for guaranteeing human beings the effective exercise of their fundamental rights and freedoms, will have reflected the commitment of the community of nations to the cause of human rights, even when that cause raised reactions that reflected divergent sensibilities. Algeria was convinced that following up the collective work completed at Vienna would require concerted multilateral action, and it wished to make its own contribution to the general discussion under way in order to encourage activities aimed at promoting human rights, with strict respect for the purposes and principles contained in the Charter of the United Nations.

86. In its quest for an authentic humanism, the community of nations that had met at Vienna had managed to reach a unanimous agreement on the concept of the complementarity and indivisibility of human rights, which was also enshrined in the preambles to the International Covenants on Human Rights and had repeatedly been reaffirmed by the General Assembly and the competent United Nations bodies. Although, in that line of ideas, the Vienna Conference had been accurate in stating that the right to development was one of the fundamental and inalienable human rights, it had to be noted that the actual exercise of that right was not always possible and that economic, social and cultural rights did not yet mobilize the international community as they should. Yet without the effective enjoyment of those rights, the principle of indivisibility could not be given its full weight.

87. Algeria, which was striving to protect a democratic process that it hoped would lead to authentic democracy and would guarantee fundamental freedoms and was aware of the fact that, as the Vienna Declaration stipulated, the promotion and protection of human rights was the first responsibility of Governments, had in 1989 acceded to nearly all the international legal instruments on human rights. It had done so without reservations and had agreed to all the

(Miss Aiouaze, Algeria)

monitoring mechanisms provided - despite the fact that some were optional and had been accepted only by a very small number of States parties - which bore witness to its desire to work for the effective achievement of human rights and fundamental freedoms.

88. Algeria's accession without reservations to universally recognized standards in the field of human rights and its determination to lay the bases for an authentic democracy had been incompatible with the spreading of doctrines that were at variance with human rights and democratic values. That explained the Algerian State's resistance to the terrorist manifestations of religious extremism, whose advocates did not hesitate to violate human rights, beginning with the most sacred right of all, the right to life. Algeria could not but welcome the fact that the international community had recognized at Vienna that "The acts, methods and practices of terrorism in all its forms and manifestations are aimed at the destruction of human rights, fundamental freedoms and democracy". Algeria had also noted with satisfaction that the approach it had adopted in combating terrorism - an approach that was perfectly in keeping with its obligations under the international conventions - was the same one that had been recommended at Vienna, as witnessed by the request made to States to combat, in conformity with their international obligations, intolerance and related violence based on religion.

89. Mr. AL-DOURI (Iraq), speaking in exercise of the right of reply, noted that the representative of Norway had said that day that systematic human rights violations are being committed in Iraq, in particular against the Kurds. The representative of Norway appeared to have forgotten that Iraqi Kurdistan was under the control of the Allies and not of the Iraqi authorities. Therefore, that question could be validly raised only if the territory in question again became part of the fatherland. As for the Shiites of southern Iraq, the representative of Norway had, perhaps deliberately, spread certain rumours and spoken on the basis of information that could be inaccurate and that he knew to be inaccurate. Some circles were certainly seeking to divide Iraq on racial or sectarian lines.

90. Besides the fact that the Norwegian representative's statement was excessive and revelled in generalities, it might be wondered how the representative of a country that had taken clear-cut humanitarian positions could forget to mention the harmful effects of the embargo on the human rights situation in Iraq, when that situation, unlike the one under review, had been the subject of accurate information from international sources of irreproachable neutrality. As for the Norwegian statement, it might be credible if that country were to exercise greater objectivity in its criticisms.

91. The representative of Ireland had also spoken of Iraq in terms that were not surprising to the extent that that country could not break away from the consensus of the Western European countries, which were being extremely negative towards Iraq. However, that representative, too, should mention the embargo, or, if that was not possible, at least refer to the matter of Northern Ireland,

(Mr. Al-Douri, Iraq)

whose situation was clearly contrary to the provisions of article 1 of the International Covenant on Economic, Social and Cultural Rights.

92. The CHAIRMAN recalled that, at an earlier meeting, the representative of Bosnia and Herzegovina had raised the question why the Special Rapporteur on the situation of human rights in Bosnia and Herzegovina had not been invited to speak before the Third Committee. He informed the members of the Committee that he had studied the question with the Assistant Secretary-General for Human Rights, who was prepared to provide an explanation at a future meeting, in the presence of the representatives of Bosnia and Herzegovina and of Pakistan, which had also raised the question.

The meeting rose at 1.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
44th meeting
held on
Monday, 29 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mr. KUKAN (Slovakia)

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* Items considered together.

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, 120, 125, 136, 152, 174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, 184, 201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, 307, 330, A/48/355-S/26390, A/48/357, 370, 394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, 446, 484, 496 and 564)

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AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. SERGIWA (Libyan Arab Jamahiriya) said that, despite international efforts, the desired aim of ensuring the enjoyment of human rights had not yet been achieved, since flagrant violations continued to occur world wide. Experience had shown that selective policies were frequently used in dealing with human-rights issues; human-rights violations were either denounced or overlooked, for instance, depending on a country's self-interest. As a result, the valuable work of the Commission on Human Rights was seriously impeded. The World Conference on Human Rights held in Vienna in June 1993 had accordingly reaffirmed that human-rights issues should be dealt with objectively according to uniform criteria where double standards had no place.

2. His delegation affirmed the connection between all civil, political, economic, social and cultural rights; human rights encompassed not only freedom from oppression, but also the right to development, a subject which had received thorough coverage at the Vienna Conference. His delegation also affirmed the inseparable connection between collective and individual rights, together with the right of peoples to self-determination, as proclaimed in the Vienna Declaration and Programme of Action (A/CONF.157/23). In addition, he hoped that the recommendations of the Conference would be implemented concerning the more vulnerable members of society, such as women, children, refugees and so forth,

(Mr. Sergiwa, Libyan Arab Jamahiriya)

who were entitled to the equal enjoyment of human rights and should receive greater protection. Meanwhile, the recommendation to establish a High Commissioner for Human Rights required careful consideration; if, instead, the existing human-rights mechanisms were strengthened, any duplication of work resulting from the creation of such a post would be avoided and the necessary additional resources would be saved.

3. His country would continue supporting international efforts aimed at promoting and protecting human rights. It had introduced the relevant internal legislation and had ratified or acceded to various international human-rights instruments. It also made an annual award honouring those who had made contributions or sacrifices to further human rights. It was, however, facing socio-economic difficulties due to the sanctions imposed on it, which endangered innocent lives and affected the right of movement of the Libyan Arab people, thus violating their rights under the United Nations Charter and other international instruments. It did not believe that the United Nations could overlook the adverse effects of those sanctions on the most fundamental human rights. In conclusion, he hoped that human rights and the relevant mechanisms would be strengthened as a result of the recommendations of the Vienna Conference.

4. Mr. SLABY (Czech Republic) said that his delegation agreed on the urgent need to restore the ability of the United Nations to address human-rights issues; it therefore urged the international community to establish the post of High Commissioner for Human Rights and to define its mandate before the end of the session. The Commissioner's task would be to reshape the mechanisms that gathered information on human rights in individual countries, which included monitoring, initiating actions, problem-solving, coordinating resource use, and rallying international response. The post should be designed to focus on assisting individual victims of human-rights violations.

5. Although the United Nations had worked to promote human rights over the course of nearly 50 years, many gross and massive violations of human rights still occurred in various parts of the world: a uniform standard of human rights as protection against the political abuse of power had grown indispensable. The respect for human rights was a necessary prerequisite for democracy; the individual must be seen as the focus of all activities of Governments. As the World Conference on Human Rights had pointed out, there were weak points in the implementation of international human-rights standards. The universal recognition of relevant international treaties was crucial to progress in that sphere. The Czech Republic, for its part, had become a party within weeks after its formation to all seven key human-rights instruments to which the former Czechoslovakia had been a party.

6. Although the notion of checking on the performance of nations through the submission of reports was theoretically useful, in practice it overburdened treaty bodies, which led to delays in the examination of reports and to a decline in effectiveness. Human-rights mechanisms must be strengthened, including the monitoring missions, the special rapporteurs and the international

(Mr. Slaby, Czech Republic)

judicial and quasi-judicial bodies dealing with those issues. The Centre for Human Rights must also be strengthened, and its budget concomitantly increased.

7. The Czech Republic was concerned at the failure, in various regions of the world, to observe human-rights standards. It welcomed Security Council resolutions 808 (1993) and 827 (1993), which provided for the establishment of a tribunal to deal with violations of human rights in the former Yugoslavia. In view of the distressing conditions in Iraq, it supported the intensification of monitoring and fact-finding there and appealed to the Iraqi Government to cooperate with United Nations missions. Given the reports of persecution in Cuba, it was lamentable that that country had been reluctant, despite repeated appeals, to cooperate with the representative of the Commission on Human Rights. Afghanistan should be asked to promptly create conditions amenable to the return of refugees and displaced persons. With regard to the Sudan, the Czech Republic was deeply troubled by the reports of mass executions, arbitrary detention and torture. It was also alarmed by the detention of political representatives and the persecution of "politically uncomfortable" persons in Myanmar, and supported the implementation of General Assembly resolution 47/144 in that regard. It condemned the military coup in Burundi and called for the reassertion of the rule of law in that country without delay. Lastly, it deplored the ouster of President Aristide from Haiti, and called for the implementation of the Governors Island Agreement and the restitution of the presidency.

8. Respect for human rights remained an essential component of economic and social development. When State policy diverged from that fundamental principle, it devolved on the international community to take action, not through ultimatums or sanctions but through dialogue.

9. Mr. WLOSOWICZ (Poland) said that the World Conference on Human Rights had brought unexpectedly positive results and promised genuine progress in the international protection of human rights. One of its major achievements had been the broad involvement of non-governmental organizations, which played a seminal role in the struggle for human rights. Their functions included disseminating knowledge on human rights, drawing attention to human-rights violations, assisting victims and helping in the search for solutions. Their presence, side by side with government delegations, had made the Conference genuinely representative.

10. Poland welcomed the Vienna Declaration and Programme of Action, which, while acknowledging the importance of national and regional particularities and historical, cultural and religious backgrounds, reaffirmed the commitment of all States to promote and protect all human rights and fundamental freedoms. It did not merely perpetuate existing international human-rights machinery, but offered an open-ended, future-oriented framework for United Nations activities in that field. Poland intended to join in sponsoring the draft resolution endorsing the outcome of the World Conference.

11. The international community had an impressive array of institutions to deal with human rights, but no cohesive system of protection. The tasks of the Centre for Human Rights had burgeoned, while its infrastructure remained

(Mr. Wlosowicz, Poland)

insufficiently equipped. In such a context, the Vienna Declaration and Programme of Action had called for the establishment, at the current session of the General Assembly, of a High Commissioner for Human Rights. In the view of Poland, the Office of the High Commissioner could and should become the central instrument for promoting the adaptation of United Nations human-rights machinery, and hoped that a decision could be taken by consensus at the current session.

12. Poland had continually stressed that the adaptation of that machinery should consist of a balanced upgrading of the various organizational components and should include both treaty bodies and Secretariat organs. It favoured the reform of the Commission on Human Rights, and had proposed the establishment of a new General Assembly committee for human rights and humanitarian affairs. The protection of human rights called for transparency in that domain within the structure of the General Assembly.

13. The concern for human rights, as a fundamental expression of the new international morality, must permeate the whole United Nations system. The Secretary-General, with a view to integrating the work of the Organization, had developed the concept of United Nations agendas. With regard to the Agenda for Peace, he had observed that only a new diplomacy for democracy and human rights could contain the tide of ultranationalism and repel fanaticism, intolerance and terrorism. Sharing that view, Poland had proposed, during the World Conference, the preparation of a "United Nations Agenda for Human Rights", containing a set of principles and objectives to govern that new approach to diplomacy.

14. Ms. MAKHEKHE (Lesotho) said that the development of the concept of democracy should be considered in the relevant historical, political and economic contexts; democratic institutions had matured in some parts of the world, while in others they were still evolving, as the political instability in certain parts of Africa demonstrated. Lesotho firmly believed in democracy as a prerequisite for the full enjoyment of all human rights and for sustainable development; its recent elections signalled the end of undemocratic rule and were a step towards establishing a political climate conducive to the enjoyment of those rights. In 1992, it had ratified various international human-rights instruments, which had since been incorporated in the country's new Constitution. A division of human rights had also been established within the Ministry of Justice and Prisons. She then confirmed her country's experience that the provision of electoral assistance to countries in transition was of paramount importance.

15. After voicing concern at the threat posed to Lesotho by the increasing violence in South Africa, she recalled that her country's Prime Minister had recently mooted the idea of devising contingency measures to address the potential mass exodus of refugees with a view to maintaining security and political stability in South Africa's neighbouring States. With that in mind, her delegation had voted in favour of draft resolution A/C.3/48/L.14 on the status of the International Convention on the Suppression and Punishment of the Crime of Apartheid, draft resolution A/C.3/48/L.12 on the use of mercenaries and draft resolution A/C.3/48/L.19 on the right of peoples to self-determination,

(Ms. Makhekhe, Lesotho)

paragraph 15 of which would continue to be relevant until political stability prevailed in South Africa. With reference to draft decision A/C.3/48/L.17, her delegation believed that self-determination through autonomy could provide a solution in some instances but could aggravate the situation in others, as in South Africa.

16. Her delegation recommended that the Committee's working group to discuss the establishment of a High Commissioner for Human Rights should be guided by consensus in all its deliberations. Lastly, in connection with the World Conference on Human Rights, she stressed implementation of the Vienna Declaration, commitment to the United Nations Charter, strengthening of the United Nations human rights machinery and adherence to international human rights instruments.

17. Mr. RAZALI (Malaysia) stated that the focus on the relationship among democracy, development and human rights at the World Conference on Human Rights was of central significance to the developing countries. Since human-rights issues were clearly not free of political considerations, an effort must be made to ensure that the protection of human rights was impartial and non-selective. Unfortunately, the discourse on human rights within the United Nations system had become increasingly politicized and acrimonious. Malaysia lamented that certain Western countries had found pleasure in publicly castigating a number of third-world countries by name, when not long ago they themselves had been colonizers guilty of massive human exploitation. Such was certainly not the way to enhance international cooperation on human rights.

18. The Vienna Declaration and Programme of Action had laid the groundwork for strengthening international cooperation and reforming the United Nations system, and had reaffirmed the interdependence of all human rights. Malaysia, for its part, had always maintained that the campaign for human rights should target not only political repression but also social deprivation and economic exploitation All members of the Non-Aligned Movement deemed that the implementation of the Declaration on the Right to Development would advance the objectives of the human-rights covenants. Malaysia was therefore disappointed that the Secretary-General had failed to issue a progress report on the implementation of that Declaration in 1993, and had instead reissued the 1992 report. Nor had there been mention of the establishment by the Commission on Human Rights of a working group on the right to development. As a member of both the Non-Aligned Movement and the Group of 77, Malaysia called on the Secretary-General to ensure that due importance was accorded to implementing that crucial declaration.

19. Malaysia was troubled by the declared policy of certain developed countries that compliance with international human-rights norms should be a precondition for socio-economic assistance. Since development and human rights were mutually supportive spheres, it was imperative that socio-economic strategies should be implemented in a cooperative and multilateral fashion.

20. The promotion and protection of human rights within the United Nations system currently showed a lopsided focus on civil and political rights. Only in 1993 had the Commission on Human Rights established the working group on the

(Mr. Razali, Malaysia)

right to development, which he had mentioned earlier. While considerable attention was paid to the work of the Human Rights Committee, which dealt with political and civil rights, the Committee on Economic, Social and Cultural Rights was almost defunct.

21. There was clear evidence in Western society that civil and political liberties amounted to very little in the absence of socio-economic development programmes. Certain groups of countries seemed to fear, however, that emphasizing collective rights would place individual prerogatives at risk. But individual rights must not be seen in isolation from those of the community: the individualism guaranteed by society was predicated on the assurance that it would not undermine that society. While Malaysia could not condone the non-democratic Governments that failed to observe the principles of human rights, it opposed the unbridled individualism that in many Western countries had corroded society itself.

22. The Secretary-General's report (A/48/340) fomented the idea that national institutions for the protection of human rights should supplant the existing legal structures of developing countries; a notion that arose from the misconception that those structures were inadequate to that task. In the view of Malaysia, democracy must evolve in accordance with the particular historical circumstances of a society and could not be imposed from outside; nor could a single model work in all societies. And yet, although the principal responsibility for the protection of human rights was the domain of national Governments and local institutions, massive violations must of course be the concern of the international community.

23. Malaysia agreed with the Secretary-General's report (A/48/425) that any attempt to interfere in the free development of the electoral process impeded the exercise of sovereignty. However, that report merely reiterated General Assembly resolution 47/130 and summarized the action taken by the Commission on Human Rights. There was a need to take a stand against State institutions that thwarted the clear expression of the people in the electoral process. It was, however, committed to the provisions of the Vienna Declaration and Plan of Action that dealt with the rights of minorities, and welcomed the Secretary-General's support for the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. As a multi-ethnic, multilingual and multireligious country familiar with ethnic discord, it advocated voluntary restraint in the pursuit of political freedom, which, in its view, only served to promote ethnic intolerance. The crisis in Bosnia and Herzegovina was a prime example of the international community's failure to understand the precarious balance between the promotion of minority rights and the promotion of racial intolerance and radical nationalism. In that regard, Malaysia welcomed the Secretary-General's report in document A/48/509.

24. Lastly, he said that follow-up to the World Conference on Human Rights should indeed involve rationalizing and coordinating the many components of the United Nations human-rights machinery. Malaysia welcomed the Secretary-General's efforts to expand the five main areas of work conducted by the Centre for Human Rights, and his decision to appoint an Assistant Secretary-General as

(Mr. Razali, Malaysia)

head of that body. It commended the Secretary-General for his report in document A/48/589, which highlighted the need to vastly increase budget and staff. It also welcomed the establishment by the Third Committee of a working group to consider the establishment of a High Commissioner for Human Rights. The Non-Aligned Movement deemed that, if it was to be effective, that post must be universally accepted; the Working Group must therefore proceed on a consensual basis.

25. Mr. LAACK (Marshall Islands) said that the spirit of optimism generated by the Vienna Conference on Human Rights was restrained by the grave violations of the most basic rights and freedoms across the globe. The Declaration and Programme of Action adopted at that Conference represented a sound basis for action by reaffirming the universality and indivisibility of human rights, defining the rights of vulnerable groups and addressing specific forms of violations. The essential involvement of non-governmental organizations in protecting and promoting human rights was also acknowledged.

26. His delegation shared concern that only 1 per cent of the United Nations budget was allocated to human rights activities, which required strengthening. The top priority, however, was the sensitive issue of establishing a High Commissioner for Human Rights, action which his delegation supported. He therefore applauded the Committee's decision to create a working group to discuss the matter, which had resulted in a constructive exchange of views. A High Commissioner should coordinate the various human-rights mechanisms within the United Nations with a view to enhancing the latter's role in promoting and protecting human rights. The provision of advisory services to interested Governments would be an essential element of that role, particularly in the case of small countries which lacked the resources needed to promote those rights.

27. In the context of its current review of international human rights instruments with a view to ensuring their implementation without reservation, his country had recently ratified the Convention on the Rights of the Child. Furthermore, given the grave violations occurring worldwide, it welcomed proposals for the creation of an international enforcement regime; the establishment of the International Tribunal under Security Council resolution 827 (1993) was a commendable first step.

28. His Government hoped that the momentum of the World Conference on Human Rights would be maintained, thereby strengthening international human-rights machinery and creating greater respect for human rights by all Governments, a goal which would be assisted by the establishment of a High Commissioner for Human Rights. It looked forward to cooperating in international forums with a view to furthering human rights in the Marshall Islands and throughout the world.

29. Mr. HALINEN (Finland) said that implementation of the Vienna Declaration required action by all Governments and organizations, including the United Nations. Finland, which was committed to undertaking its share of that work, fully subscribed to the view that human rights were universal, indivisible and interdependent. The integration of human rights into the mainstream of United

(Mr. Halinen, Finland)

Nations system-wide activities was a primary goal, requiring efforts to be focused on strengthening human-rights mechanisms and ensuring that their resources were adequately increased. With that in mind, his delegation supported the early appointment of a High Commissioner for Human Rights, who should also be empowered to prevent or respond to human-rights violations. Referring to the disparity between the growing activities of the Centre for Human Rights and its resources, he said it was necessary to identify funds which could be reallocated in that direction. Economy measures concerning conference services in Geneva were, however, unacceptable. The Committee should cooperate closely with the Fifth Committee with a view to implementing the recommendations of the World Conference in the biennium 1994-1995.

30. In contrast with the past, the integration of human rights and democracy in development programmes was now a guiding principle in the case of both international organizations and national Governments. Similarly, in addition to relying on political indicators, preventive diplomacy should target economic and social conditions. Human rights, together with humanitarian assistance and election monitoring, were an integral part of maintaining peace and security. A comprehensive and flexible approach was therefore required in view of the inextricable link between all such factors, which called for a joint strategy for human rights, development, democracy and security.

31. After listing examples of the massive and systematic human-rights violations occurring in the former Yugoslavia, he said he welcomed the establishment of the International Tribunal under Security Council resolution 827 (1993). Respect for humanitarian law by all parties was essential, irrespective of the time taken to find a political solution. His Government therefore stressed the need to respect minimum standards and to strengthen the rules of humanitarian law applicable to internal conflicts. Referring to South Africa, he noted that the ongoing violence was the most urgent remaining problem following the major steps taken towards democracy and the elimination of apartheid, and said that all parties should commit themselves to peaceful means in the process towards a new democratic South Africa.

32. The international community must be prepared to act against the new forms of racism and intolerance occurring in the world, including Europe. Intolerance was directly contributing to the devastating conflicts in many countries, such as the Sudan. Preventive action must be taken to promote tolerance in all societies.

33. The abolition of the death penalty was essential for the advancement of human dignity world wide. It was unfortunate that only a few countries had acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Finland therefore urged all Governments to abolish the death penalty.

34. Extrajudicial executions, disappearances and torture constituted serious human rights violations. Finland was concerned about detention for political reasons and lack of due legal process. In Iraq, the persecution of the marsh Arabs and the oppression of the Kurds had not ceased. In Haiti, disappearances

(Mr. Halinen, Finland)

and killings by the security forces had increased. In East Timor, arbitrary detention and harsh sentences for dissidents continued unabated. In Myanmar, ethnic and religious minorities were still being persecuted. Special measures in the administration of justice were required world wide. An independent judiciary was essential in order to improve the human rights situation in individual countries. In that regard, he hoped that the Government of China would continue its efforts to develop a legal system based on the rule of law.

35. Some Governments restricted and even denied freedom of opinion and expression. The report of the Special Rapporteur on the situation of human rights in the Sudan (A/48/601) indicated that several persons had been subjected to reprisals after they had communicated information to him. The Government of the Islamic Republic of Iran was continuing its policy of severely restricting the activities of journalists. In addition, Finland disapproved of the death decree against the British author, Mr. Salman Rushdie.

36. The equal status and human rights of women should be integrated into all United Nations activities. Coordination between the bodies dealing with those issues should be further enhanced. Finland welcomed the forward-looking recommendations put forward in that regard by the Vienna World Conference. His Government supported all measures to ensure more effective protection and promotion of the rights of children and improve their living conditions. Protection of children in armed conflicts, refugee children, street children and economically and sexually exploited children must be further strengthened at the national and international level. The human rights of children should be regularly monitored by all relevant United Nations bodies.

37. Conflicts stemming from differences in ethnicity, race, religion or language constituted one of the most widespread causes of human rights violations. The implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities required effective coordination among regional organizations and Member States. Non-discrimination and special measures to ensure equal enjoyment of all human rights were a basis for protecting minority rights. The human rights of indigenous peoples continued to be violated in many parts of the world. An international decade of the world's indigenous people would help to further the objectives of the International Year and raise awareness of the special situation of indigenous peoples and their needs.

38. Ms. RAMOS-SHAHANI (Philippines) said that there were millions of children all over the world who desperately needed special and immediate assistance, including orphans, refugee children, disabled children, the children of migrant workers, children subjected to sexual abuse and other forms of exploitation, juvenile delinquents, drug abusers and those exposed to diseases like AIDS. Immediate action was needed to save those children.

39. The Philippine Government was firmly committed to both the Convention on the Rights of the Child and the corresponding Declaration. In 1992, her country's plan of action for children had been adopted on the basis of the Convention in order to provide children with a standard of living adequate for

(Ms. Ramos-Shahani, Philippines)

their total development, protect them from abuse, exploitation, armed conflict and other forms of violence and enable them to participate in community life and nation-building. In undertaking measures to implement the Convention, her Government had submitted its initial report to the Committee on the Rights of the Child. The report contained information on measures to protect children's rights and on progress achieved, difficulties encountered and future goals. Her country had also recently taken steps to improve the health of mothers and children through institutionalized breast-feeding and measures to prevent thyroid disease in children. Those two actions demonstrated her Government's commitment to promote the development of Philippine children.

40. In order to deal with the problems of children in areas of armed conflict, the Philippines was making every effort to promote peace among rebel elements in the country through negotiations so that children would no longer be subjected to violence, psychological stress, physical injury and death. With regard to health care, the Philippine Ministry of Health had embarked on a nationwide immunization programme to prevent diphtheria and tetanus, which were very common among rural children. Her country's family-planning programme included health and safety measures for mothers and children during the prenatal and postnatal periods. Moreover, her Government was currently implementing a plan to set up primary schools in the smallest communities in order to provide all Philippine children with free primary education.

41. Lastly, she paid tribute to UNICEF's efforts to protect the rights of children in the East Asian region and throughout the world. UNICEF Fund had taken innovative measures to ensure the implementation of the Convention on the Rights of the Child. Her Government would be happy to sponsor the draft resolution to be put forward on agenda item 172.

42. Mr. MAYCOCK (Barbados), speaking on behalf of the 12 States members of the Caribbean Community (CARICOM), said that the Vienna Declaration and Plan of Action represented a great leap forward in the field of human rights, forging a new vision for global action into the next century. The reaffirmation of the right to development as a fundamental human right was one of the most defining pronouncements of the Vienna Conference and should reinforce the view that the objectives of the Charter could be achieved only if all human rights were promoted as a whole. He noted with satisfaction that the working group on the right to development set up by the Commission on Human Rights had begun its work, and he hoped that it would make recommendations aimed at eliminating the obstacles to development and strengthening the linkage between human rights and economic issues.

43. The relationship between democracy, development and human rights had been one of the most crucial issues on the agenda of the Vienna Conference. The tragic situation in Haiti painfully demonstrated the consequences for the enjoyment of human rights when democracy was breached. The Caribbean Community viewed with serious concern the severity of the human rights abuses in Haiti and the impunity with which they were perpetrated, and would continue to play an active role to find a solution. The CARICOM States strongly supported the mediation efforts of the United Nations and the Organization of American States

(Mr. Maycock, Barbados)

and called on the parties in Haiti to honour the Governors Island Agreement and immediately restore constitutional government in Haiti.

44. As parties to the Convention on the Elimination of All Forms of Discrimination against Women, the CARICOM States fully supported the recommendation of the Vienna Declaration and Programme of Action with respect to the human rights of women and of the girl-child; the enactment of legislation by most CARICOM States underscored both their deep concern for the incidence of gender-based violence and their commitment to eradicate it. They also firmly supported the call for universal ratification of the Convention on the Rights of the Child, to which they were parties, by 1995 and endorsed the adoption of measures for the promotion and protection of the rights of children throughout the world who were victims of especially difficult circumstances, including armed conflicts.

45. CARICOM States supported the recommendation that the General Assembly should proclaim a decade for the world's indigenous peoples. They also considered it essential to strengthen United Nations machinery in the field of human rights at both the regional and international levels. Regional human rights institutions could also make a significant contribution. The Centre for Human Rights provided valuable human rights services which greatly benefited developing countries. In that connection, CARICOM firmly supported the recommendation on human rights education, particularly the call to consider proclaiming a United Nations decade for human rights education.

46. The CARICOM States did not condone flagrant abuses of human rights by any Government. The international community should, however, seek to build on the consensus achieved at Vienna and cease the practice of finger-pointing, which could imperil that consensus. The predictable cant on the situation of human rights in specific countries had become a counter-productive ritual which tended to encourage intransigence. The CARICOM States could not embrace the notion that, of all the States represented in the United Nations, human rights abuses occurred only in those eight countries which had been placed under special scrutiny. That selective application of standards, using human rights as a veil for promoting political agendas, must be ended.

47. The CARICOM States agreed, however, that respect for all human rights throughout the world was not only an important part of the dynamic process of building peace but was also the legitimate concern of the international community.

48. Mr. CHEN Jian (China), emphasizing the importance of the Vienna Conference, said that equal weight should be attached to the various recommendations of the Declaration and Programme of Action so as to ensure their comprehensive implementation and avoid putting too much emphasis on some areas at the expense of others. In that regard, the cooperation of all Member States, based on equality and mutual respect, was essential. Moreover, the international community should continue its efforts to end the large-scale violation of human rights resulting from colonialism, racism and foreign aggression and occupation.

(Mr. Chen Jian, China)

49. The Chinese Government welcomed the adoption by the Commission on Human Rights of resolutions on the establishment of a working group on the right to development and on a special rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. It also welcomed the efforts to resolve the Middle East crisis, as evidenced by the recent signing between the Palestine Liberation Organization and Israel of the Declaration of Principles on Interim Self-Government Arrangements, and the decision to hold democratic elections in South Africa in April 1994.

50. In his delegation's view, racial discrimination, foreign domination and aggression remained the main cause of large-scale human rights violations. To make matters worse, the pursuit of double standards still prevailed. But each country had its own political, economic and historical characteristics and each was at a different stage of development with special priorities on various issues including human rights. Therefore, respect for the different understanding of human rights held by different countries and the various measures they adopted to protect human rights must constitute the cornerstone for international cooperation in human rights.

51. It was neither realistic nor feasible for the human rights standards of certain countries to be regarded as perfect, nor was it acceptable for the values and political systems of certain countries to be imposed on others as a universal model. It would be even more inappropriate if such standards were used as a conditionality for international economic assistance and cooperation. Moreover, it was absolutely unacceptable for United Nations agencies to carry out political attacks against and interfere in the internal affairs of countries in the name of protecting human rights. Human rights issues should not be used as a tool to extend a country's sphere of influence.

52. As China had always attached great importance to the question of human rights, it had acceded to eight international human rights conventions and strictly fulfilled its obligations. As a result of the tremendous success in its policy of reform and opening up to the outside world in the past 15 years, China had enjoyed social stability, economic growth and steady improvement of its people's living standards as well as an ever-enhanced level of human rights protection. Only those who acted from the ideological point of view would choose not to notice China's achievements.

53. China was ready to work with other members of the international community on the basis of mutual understanding and respect and continue to make unremitting efforts to strengthen international cooperation in the field of human rights.

54. Mr. MALGINOV (Russian Federation) stressed the need for further collective efforts by States to affirm the universal principles of human rights and devise measures for further progress in guaranteeing those rights. In recent years there had been an increasing number of conflicts based on ethnic, national and religious differences; and aggressive nationalism and xenophobia had spread. Effective and acceptable measures had not yet been developed to avert the spread

(Mr. Malginov, Russian Federation)

of conflicts. Existing mechanisms and procedures were insufficient in preventing numerous human rights violations.

55. The main area for developing cooperation among States in that field would continue to be increased monitoring by the international community. There was a need not only to take note of human rights violations but also to analyse in greater depth their basic causes and draw up realistic recommendations to deal with them. The monitoring of compliance with decisions taken must be further strengthened and thorough consideration should be given to measures concerning countries that ignored world opinion. Furthermore, the time had come to address the question of the responsibility of national leaders who were guilty of blatant human rights violations. In that connection, his delegation was following with interest the discussion taking place within the Subcommission on Prevention of Discrimination and Protection of Minorities. Greater use could be made of special rapporteurs and representatives and more could be done to strengthen the mediation functions of the Organization with regard to human rights monitoring.

56. Violations of the rights of national minorities were one of the greatest problems in the contemporary world. The Declaration on the Rights of Minorities had defined the problem and laid down basic guidelines. At the current stage, there was a need to consider ways to implement the principles set forth in the Declaration. The experience of the Conference on Security and Cooperation in Europe would be useful in that connection.

57. His delegation attached importance to United Nations activities in disseminating information on human rights. Enhancing the effectiveness of that work would be particularly useful for countries which were establishing a civil society and a state based on the rule of law. It was extremely important to reach the broadest sectors of the population and foster a culture of human rights in those countries.

58. Establishment of a High Commissioner for Human Rights was one of the most important issues before the Committee. His delegation believed that a High Commissioner could cement the entire human rights structure and improve its coordination. He hoped that a decision could be taken by consensus on that question at the current session.

59. Preparations in the Russian Federation for elections to the Federal Assembly and voting on the draft constitution were in their final stages. That would mark the first free elections held on a democratic and multiparty basis in his country. The new parliament would be faced with the complicated tasks of continuing the process of democratization and bringing human rights legislation into accordance with international norms. It was necessary to carry out judicial reform, improve the human rights situation in the army, prevent abuses by law-enforcement bodies, upgrade conditions in the penal system, establish effective guarantees for democratic freedoms, and tackle the problem of refugees. Russia would be grateful for assistance and support by the international community in tackling those problems.

(Mr. Malginov, Russian Federation)

60. Together with the other members of the Commonwealth of Independent States, his country was endeavouring to ensure respect for human rights in the States of the former Soviet Union. Instability and armed conflict in a number of regions was currently making that task particularly difficult, if not impossible. Nevertheless, the Commonwealth had adopted a declaration on human rights and established a commission on human rights, and was drawing up a convention in that field. Regrettably, a number of countries had deliberately abandoned democratic standards. Members of the opposition were being persecuted and there was discrimination against the Russian-speaking population. Those questions were being discussed with the States concerned and it was hoped that the international community would give greater attention to them. Russia's active position with regard to human rights questions reflected its realization of the responsibility of all States to ensure respect for the rights of the individual.

61. Accordingly, he supported those delegations that had condemned the policies and methods of dictatorial and authoritarian regimes, including unlawful execution, torture, arbitrary detention, repression of political opponents, discrimination against national and religious minorities and violence against women and children. The Organization must not avoid discussing those complex issues. The greatest achievement of the Vienna Conference was the recognition of the universality of human rights. The agreement reached at Vienna must be implemented through specific decisions and actions.

62. Mr. MUSUKA (Zambia) said that, while the great majority of nations had become parties to the Convention on the Rights of the Child, an examination by UNICEF of the plight of children in the world made it abundantly clear that very little had been accomplished to improve the situation of children world wide. There were many major obstacles to the full realization of children's rights. For instance, African children suffered from war, hunger, disease, including AIDS, and natural disasters. Juvenile delinquency, including drug-dependency and the involvement in organized crime, was on the increase. While such behaviour could sometimes be attributed to modern development, which caused conflict and a crisis of adjustment, it in no way reflected the values of the traditionally caring African community.

63. Africa's children who were victims of especially difficult circumstances represented one of the continent's most urgent problems. However, there seemed to be emerging a global awareness of children's problems, as reflected in United Nations declarations and conventions, including the Convention on the Rights of the Child. Children were now being put at the top of the social and economic agenda after years of neglect. Thus, at the 1990 World Summit for Children, world leaders had resolved to adopt a new ethic of development based on the principle of "first call for children", and had agreed on a fundamental set of goals which were spelled out in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s. Those goals had also been reflected in Agenda 21, adopted by the 1992 United Nations Conference on Environment and Development.

(Mr. Musuka, Zambia)

64. Concerning the health of children, in 1990 the world had met its goal of 80-per-cent immunization coverage in the developing countries. The death rates of children had been more than halved; malnutrition rates had been reduced by about 30 per cent, life expectancy had increased by about a third and the proportion of children enrolled in primary school had risen to more than three quarters.

65. Zambia accordingly welcomed the call made by the Vienna Conference for universal ratification of the Convention on the Rights of the Child by 1995 and urged Governments to adopt the means for its implementation.

The meeting rose at 1.05 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
45th meeting
held on
Monday, 29 November 1993
at 3 p.m.
New York

SUMMARY RECORD OF THE 45th MEETING

Chairman:	Ms. AL-HAMAMI (Vice-Chairman)	(Yemen)
later:	Mr. KUKAN (Chairman)	(Slovakia)

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(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued)

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93-82747 (E)

The meeting was called to order at 3.25 p.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued) (A/48/58-S/25024, A/48/63, A/48/68, A/48/74-S/25216, A/48/75-S/25217, A/48/77-S/25231, A/48/88-S/25310, A/48/93, A/48/94, A/48/113-S/25397, A/48/116, A/48/120, A/48/125, A/48/136, A/48/152, A/48/174, A/48/176-S/25834, A/48/177-S/25835, A/48/181, A/48/184, A/48/201, A/48/203-S/25898, A/48/211, A/48/214, A/48/217-S/25986, A/48/222, A/48/261-S/26073, A/48/262, A/48/273, A/48/291-S/26242, A/48/294-S/26247, A/48/302, A/48/307, A/48/330, A/48/355-S/26390, A/48/357, A/48/370, A/48/394, A/48/395-S/26439, A/48/396-S/26440, A/48/401, A/48/446, A/48/484, A/48/496 and A/48/564)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/48/210-E/1993/89, A/48/283, A/48/340, A/48/342, A/48/425, A/48/509 and Add.1, A/48/510, A/48/575, A/48/576, A/48/589, A/48/590; A/C.3/48/7 and A/C.3/48/8)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/48/92-S/25341, A/48/261, A/48/274-S/26125, A/48/295, A/48/298, A/48/299, A/48/351-S/26359, A/48/387-S/26424, A/48/525, A/48/526 and Add.1, A/48/561, A/48/562, A/48/570-S/26686, A/48/577, A/48/578, A/48/579, A/48/584, A/48/600, A/48/601; A/C.3/48/9, A/C.3/48/13 and A/C.3/48/17)

AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, A/48/156, A/48/208, A/48/220, A/48/223, A/48/259, A/48/511; A/C.3/48/16)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. GHAFOORZAI (Afghanistan) made a statement concerning agenda item 114 (c). He extended his gratitude to Mr. Ermacora for his tireless efforts in bringing to light the situation of human rights in Afghanistan and, in particular, his recommendations for the alleviation of some violations of those rights which were the legacy of 14 years of war and foreign aggression. However, he expressed reservations about paragraph 132 of Mr. Ermacora's report in the light of his Government's position on that matter.

2. He recalled that, after the establishment of the Islamic State of Afghanistan, the President had declared a general amnesty and had decreed that all laws which did not run contrary to the Islamic principles of shari'a, should remain in force. Accordingly, the competent courts and organs had the duty to apply all provisions ensuring the exercise of fundamental individual and social rights. The administration regulated the various political, social, economic and cultural spheres and established the necessary legal guarantees for respect of human rights and gradual stabilization of the country.

(Mr. Ghafoorzai, Afghanistan)

3. His delegation recalled with bitterness that, as a result of the military aggression of the former Soviet Union, almost all the economic, social and political institutions of the country had been razed to the ground and that the people of Afghanistan had been subjected to physical and psychological torture. He emphasized the need to consider implementation of international instruments on human rights in Afghanistan in the light of objective realities and possibilities of a war-stricken country.

4. During the past one-and-a-half years, the human rights situation in Afghanistan had been keenly pursued by the Special Rapporteur as well as by other human rights organizations including Asia Watch. His delegation appreciated that concern and reiterated the strong intention of the Islamic State to guarantee promotion and protection of human rights throughout the country.

5. Unfortunately, diverse forces and certain foreign factors had attempted to aggravate the situation in Afghanistan and had been involved in human rights violations. The arrest, trial and execution last year of a small number of armed thieves and murderers, in compliance with the laws and principles of Islam, had raised a tremendous uproar which was completely unjustified. His delegation pointed out that, if under the previous regime there had been thousands of political prisoners in Afghanistan, the current number of such prisoners did not exceed more than a dozen. It deeply regretted the few instances of killings of persons connected to the former regime which had been carried out more for reasons of personal vengeance than for political incentives. If there had been - and if there were probably still there - some instances of hostage-taking, torture, illegal arrest and detention, such acts were the result of irresponsible armed groups against whom the security forces were waging a severe struggle.

6. He questioned the merits of criticizing the policy his Government was said to practice towards its employees. Following the establishment of the Islamic State, only some very high government political posts had been filled with new officials. Nothing had been changed in the other services of the State administration, which was evidence that the rights of employees were being respected without political, language, religious, racial or any other considerations.

7. All State and private employers were obliged to observe strictly the provisions of the labour laws which ensured minimum wages and generally accepted standards.

8. Mr. Ermacora had indicated in his report that there was a lack of respect for women in Afghanistan. In fact, those were isolated and unfortunate instances attributable to the long war which had devastated the country. The Islamic State of Afghanistan had been making extensive efforts to ensure respect for the rights of women and to provide favourable opportunities for them.

(Mr. Ghafoorzai, Afghanistan)

9. His delegation was thankful to the Special Rapporteur for having included, in paragraph 45 of his report, that 7,000 Afghan families living in the area of the border with Tajikistan had fled from their villages. However, it regretted that he had not made clear that those families had fled the artillery attacks from the territory of Tajikistan.

10. It was unfortunate that most of the information acquired by Mr. Ermacora was based on isolated communications unconfirmed by more thorough investigations.

11. Political developments in Afghanistan in recent months had raised hopes that a climate conducive to the enjoyment of fundamental rights and individual freedoms might be established. Ensuring respect for the generally accepted standards in that area and maintaining internal stability depended first on the country's political will and then on its economic potential. To take its place within the international community, Afghanistan had to start by rehabilitating its economic infrastructure. To achieve that, it was largely dependent on the economic aid programmes elaborated and implemented by the United Nations, assistance agencies and donor countries.

12. Mr. JAAFARI (Syrian Arab Republic) said that it was very difficult to arrive at a generally agreed upon definition of what was meant by "human rights" because of the diversity of criteria, viewpoints and interests involved. Indeed, the political, economic and cultural dimensions of the issue varied between peoples, endowing them with a uniqueness that even the most fervent advocates of the universality of human rights could not ignore.

13. All values, including the most sacrosanct rights, were relative and had to be understood in their original cultural context. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had been created for the specific purpose of preserving and promoting the identities of each culture; yet, respect for those identities was not necessarily incompatible with the establishment of a universal structure to defend and strengthen human rights. That was a perfectly logical conclusion, to be added to those arrived at by the participants at a round table organized by the Council of Europe and held before the Vienna World Conference on Human Rights; at that meeting, the participants had been urged to give consideration, in the field of human rights, to religions, cultures and traditions other than those of the West and to respect the cultural diversity of peoples, provided that it did not undermine fundamental universal values. Similarly, in a speech given at Oxford University, Prince Charles had criticized Western prejudices against Islam, pointing out that Europe owed a great deal to Islamic civilization and to that in the Middle Ages, Islam had displayed an exemplary religious tolerance which the West would do well to imitate. The speaker noted with regret that the message had not been heeded; he observed with great bitterness that, at the Vienna World Conference on Human Rights, the declaration concerning the violations of human rights committed in Bosnia and Herzegovina had been adopted, not by consensus as might have been expected, but with 45 abstentions. It was amazing, too, that in the industrialized countries, the same groups that had

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made Islam their ally during the cold war had made Islam the new enemy, replacing their former enemy, the Soviet Union. He found it astonishing that the West had made Islam and the Arab world the primary target of its hostility, using as a pretext the mindless schemes of a few integrationists, who were themselves the product of the anti-communist crusade; yet, it did not condemn terrorist acts committed by non-Islamic integrationist groups. That carefully orchestrated propaganda which, by systematically linking the words "Arab" and "Muslim" with the word "terror", was trying to turn the Arab world and Islam into demons, was in itself a violation of article 1 of the Universal Declaration of Human Rights.

14. In terms of human rights, it was no longer a question of concluding new treaties or adopting new conventions, but of ensuring full and unqualified respect for the principle of the equality of all peoples under international law.

15. His delegation feared that the issue of human rights might give rise to a conflict of values between the countries of the North, the majority of which believed in the universality of human rights, with emphasis on political and civil rights, and the developing countries in the South, in particular the Asian countries which, while considering that those rights must be seen as an indissociable whole, were convinced that the characteristics of each society had to be taken into consideration.

16. The idea of human rights had a vast scope. Thus, occupation, aggression, expulsions, destruction of settlements, drying up of wells and watercourses, destruction of trees, environmental pollution, rewriting history, falsifying geographical facts and deceiving international public opinion were all serious violations of human rights, on the same level as systematic rapes, burning of villages, ethnic cleansing and deportations.

17. His country was aware that human rights had been applied in a very selective manner in the Middle East. Thus, with respect to peace in that region, it did not intend to make a show of hasty enthusiasm or unjustified optimism. It first sought a just and comprehensive peace whereby its lands would be restored and all the peoples in the region would regain the legitimate rights of which they had been deprived. Respect for human rights in the Middle East depended on the establishment of a genuine peace. To that end, it would be necessary to eliminate Israel's weapons of mass destruction, allow millions of Palestinian refugees to return home and stop portraying Israel as a victim. It was, in fact, astonishing that the term "victim" could be applied to a State which occupied the territory of another by force, stole their water resources and pillaged their archaeological heritage, launched regular attacks against its neighbours, forced populations living in the territories it occupied to carry identity cards, installed settlements and had always refused to implement the more than 300 United Nations resolutions adopted since 1948. The United Nations had had and still had to spend substantial amounts to finance activities intended to end the Israeli occupation and to lessen the suffering of its victims; thus, the first aim of the United Nations restructuration effort

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should be to put an immediate end to that occupation and to guarantee to the Palestinian people the exercise of its legitimate *rights, including its rights* to choose its own destiny in its homeland.

18. The Syrian Arab Republic was convinced that there could be no fair and lasting peace in the Middle East until the Israeli army had left the occupied territories and the safety of everyone was guaranteed. It would therefore refuse to take back what it considered to be its due as long as the rights of others continued to be flouted. It was also inviting the other party to adopt an attitude as bold and realistic as its own, for the restitution of a few kilometres of land under extremely restrictive conditions was an insult to the Arab people and an attack on their rights; the problem was clearly far from resolved, and much remained to be done if a genuine peace was to be brought to the region.

19. Mr. U WIN MRA (Myanmar), speaking on agenda item 114 (c), said that his country was doing its utmost to create a stable political environment in which democracy could thrive. The priorities that societies set in that area depended on their culture and stage of development. Only when there was political stability and economic security could democracy take firm root and human rights be fully realized.

20. He regretted that the delegations that had accused his country of human rights violations had ignored the many positive changes that had taken place in Myanmar over the past five years. Those changes had advanced the cause of human rights, economic, social and cultural rights as well as civil and political rights, in Myanmar.

21. The most significant development in the past year had been the convening of the National Convention to lay down the principles for a new constitution. It had been attended by some 700 delegates, representing all the national races and the legally recognized political parties and including representatives elected in the 1990 elections and delegates from all strata of Myanmar society. It should be noted that the representatives of the political parties had been nominated by their own parties and that other delegates had been selected through a fair procedure. Through a process of delegation and compromise, consensus had been reached on the fundamental principles to be embodied in the new constitution. The Convention had commenced work on 9 January 1993 and was currently in recess so that delegates could hold consultations in preparation for the next phase, to begin on 18 January 1994. Given the much improved political and economic situation in the entire country, he was confident that the Convention would produce a consensus document that would pave the way for a multiparty democracy to which the people aspired.

22. The history of nations testified to the fact that transition from one system to another was always difficult. In Myanmar, which had 135 national races professing different religions and speaking numerous languages, the hasty adoption of a new constitution would spell chaos rather than promote unity.

(Mr. U Win Mra, Myanmar)

23. The Government of Myanmar, aware that political stability and economic development were interdependent, had been promoting economic reforms and was endeavouring to ensure a smooth transition from a centrally planned economy to a market economy. Its efforts were bearing fruit: the gross domestic product had grown by 10.9 per cent in the past year. Production, exports and foreign investment had increased significantly. The private sector, which had been dormant for decades, had been reinvigorated. There were a growing number of local and foreign investors in various sectors, including fisheries, mining, tourism and the oil sector. The Government had just enacted a law to guarantee protection against expropriation and the right of foreign investors to transfer funds. Infrastructure building continued to take place throughout the country. Satellite towns were springing up to ease the overpopulation of cities. In brief, the State was addressing the people's food, clothing and shelter needs to the fullest extent possible. The most striking example of its efforts was found in the border areas. In addition, the Government had successfully implemented projects aimed at eradicating the production of illegal drugs.

24. The constructive measures taken by the Government in the past five years had established trust among the various national races. As a result, 10 armed groups, including the largest, the Kachin Independence Organization, had renounced the use of force, which augured well for the success of the Government's policy of national reconciliation. In pursuance of that policy, the Government had in April 1992 suspended all offensive operations in the country. Quite recently, it had made peace overtures to the remaining armed groups.

25. His delegation regretted that, such important developments notwithstanding, the Belgian delegation, speaking on behalf of the Twelve, and the representatives of Norway and the United States, in referring to the situation in Myanmar, had failed to acknowledge the many positive changes that had occurred during the past five years. It particularly regretted that the representative of Sweden had spoken of violent oppression of ethnic and religious minorities, and wished to state categorically that there was no racial or religious discrimination in Myanmar. On the contrary, the Myanmar Government promoted the economic and social development of all ethnic groups and had established, to that end, the Ministry for the Development of the Border Areas and National Races. In that regard he cited a passage from the report of Mrs. Sadako Ogata (E/CN.4/1991/R.3), who had visited Myanmar in 1990 as an independent expert appointed by the Chairman of the Commission on Human Rights. After noting that there was a total absence of discrimination based on religion in the public service, Mrs. Ogata had said that Myanmar's society might be considered a model society in that respect.

26. To dispel any remaining doubts about Myanmar's commitment to human rights, he said that on 5 November 1993 a memorandum of understanding had been signed between the Government of Myanmar and the Office of the United Nations High Commissioner for Refugees which provided for UNHCR's presence on the Myanmar side of the Myanmar-Bangladesh border. Over 45,000 Myanmar refugees in Bangladesh had been able to return to their homes in safety. In the spirit of

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good-neighbourliness that existed between Myanmar and its neighbours, Myanmar continued to seek a lasting solution to the complex problem of transborder migrations of people. Another significant development, acknowledged by the Special Rapporteur in his introductory statement, had been the decision of the Myanmar Government to translate the text of the Universal Declaration of Human Rights into Myanmar and to distribute copies widely, in particular to all delegates to the National Convention.

27. He noted that Myanmar had acceded to the Convention on the Rights of the Child in September 1991. He was also pleased to announce that on 15 October 1993 his Government had withdrawn its reservations in respect of articles 15 and 37 of the Convention. The Government had even enacted a law to protect and safeguard the rights of children which went well beyond its obligations under the Convention. He also informed the Committee that his country had acceded to the four Geneva Conventions of 1949 and that it was cooperating with the International Committee of the Red Cross in holding seminars to promote greater awareness of international humanitarian law among military personnel.

28. It had been Myanmar's consistent policy to cooperate fully with the United Nations and to furnish the information sought by the international human rights bodies. It had always welcomed the visits of the Special Rapporteur, Mr. Yokota, as he himself had acknowledged. It was regrettable, however, that the Special Rapporteur had not given due recognition to the positive nature of the National Convention and the Government's significant initiatives to achieve national reconciliation. The people of Myanmar firmly believed that the path Myanmar had chosen was the surest path to a constitutional democracy. His delegation appreciated the fact that the conclusions of the Special Rapporteur were of a preliminary nature. It hoped that the Special Rapporteur's final report to the forthcoming session of the Commission on Human Rights would reflect with objectivity the situation in the country, taking the positive developments fully into account.

29. In conclusion, he reaffirmed his delegation's conviction that every State must have the right to build a society in the manner best suited to its conditions. The international community could best contribute to that endeavour by demonstrating greater understanding of the situation prevailing in Myanmar and by acknowledging the constructive changes that had taken place.

30. Mr. Kukan (Slovakia) took the Chair.

31. Mr. REMIREZ DE ESTENOZ (Cuba) recalled that until the people's revolution of 1959, Cuba had been a virtual colony of the United States of America, where a repressive regime had been brutally violating human rights. For over 30 years, the United States had pursued a policy of hostility and aggression against Cuba, the aim of which was to destabilize Cuban society and prevent the Cuban people from exercising their sovereignty. That policy, which was contrary to the Charter of the United Nations and international law, had been reflected in an increasingly harsh economic, trade and financial blockade, a constant military

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threat, acts of economic sabotage and terrorism, and sustained disinformation and propaganda campaigns aimed at misleading international public opinion.

32. Although Cuba had declared its willingness to establish normal relations and cooperate with all States without exception, respecting the sovereignty of each one, and despite the end of the cold war, the United States had been pursuing an increasingly hostile policy towards Cuba in order to break its people's will to resist. The Cuban Government and people therefore had to make tremendous efforts to preserve the gains they had achieved in the area of human rights. Whether it was a question of economic, social and cultural rights, or civil and political rights, Cuba projected to the world the image of a country where human rights were fully respected and where the indicators of social development were among the world's highest.

33. Given the new international situation and Cuba's reintegration into the world economy, his Government had effected far-reaching changes, which included the opening up of the economy to foreign capital, the expansion of the private sector, the free circulation of foreign currency, the extension of the agricultural cooperative sector and the reorganization of the Government. At the political level, a new electoral law had been enacted whereby elections to parliament were to be by direct suffrage. In 1993, before thousands of foreign witnesses, Cuba had held the freest elections in its history, with an unprecedented voter turnout.

34. Slanderous campaigns aimed at leading people to believe that human rights were not respected in Cuba, were merely a ploy by the United States Government with a view to encouraging subversion and creating an international climate conducive to the exercise of the so-called right of humanitarian intervention. Concern shown by the United States with regard to human rights in Cuba was merely one aspect of its aggressive and hostile policy, in which Cuba's very existence as a nation was at stake. The United Nations had been forced, pursuant to a resolution adopted at the insistence of the United States, to apply to Cuba, the special machinery of human rights monitoring. The process had thus been tainted from the outset. For that reason, the report submitted to the Third Committee by the Special Rapporteur could not possibly take account of human rights violations in Cuba, since there were no such violations. In fact, the report fell far short of reflecting the actual situation in Cuba. Cuba did not recognize such a selective and discriminatory procedure. The Cuban Government nevertheless intended to cooperate, as it always had, with the machinery for the promotion of human rights and reaffirmed its willingness to debate such questions in the appropriate forums and in accordance with the principles of the indivisibility, universality and interdependence of human rights, as set forth in the Vienna Declaration.

35. The United States Government, which had initiated the farce represented by the appointment of a Special Rapporteur and the preparation of his report, was not in a position to pass judgement on human rights in Cuba. Not content with violating human rights in its own territory and supporting military dictators and repressive regimes, the United States paid no attention to the will of the

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General Assembly, which had condemned the blockade on Cuba as a flagrant violation of the United Nations Charter and of international law. The policy of hostility and economic strangulation which was being pursued against Cuba should give way to a constructive attitude; only then would the Cuban people be fully able to enjoy their fundamental rights.

36. Mr. AGGREY (Ghana) said that 1993 marked the forty-fifth anniversary of the Declaration of Human Rights and that since the adoption of the Declaration, an impressive array of human rights instruments had been adopted and various mechanisms had been put in place to monitor their implementation. That process had led to a better understanding of the universality of human rights. International instruments such as the International Covenant on Civil and Political Rights and the International Covenant of Economic, Social and Cultural Rights had, moreover, established the interdependence of human rights, democracy and development. The World Conference on Human Rights, held in Vienna in June 1993, had recognized those inextricable links, which the Secretary-General had also reaffirmed in his latest report on the work of the Organization.

37. His delegation was of the opinion that United Nations bodies should in future endeavour to study the underlying causes of human rights abuses and of lack of respect for human rights, and mobilize the resources of the international community to help those States to improve the situation in that field. His country would like to see more detailed discussions of ways of improving coordination and enhancing the effectiveness of the United Nations system in the area of human rights, and of a number of other issues relating, inter alia, to the environment - in particular the dumping of toxic waste - the rules of trade and the right to development.

38. Ghana had already stated, in various United Nations forums, that the new post-cold-war order should be guided by the need for democratization, freedom and justice in international relations. Its foreign policy and its relations with the United Nations were based on those criteria. It was also in accordance with those principles that his delegation had considered the proposal for the creation of an Office of High Commissioner for Human Rights, which should enable the United Nations system to react more rapidly in cases of human rights violations, particularly between sessions of the Commission on Human Rights. It must be recognized that it was humanitarian situations which most often required swift action. In that respect, the Office of the United Nations High Commissioner for Refugees and the various United Nations bodies involved in humanitarian activities had been effective. The Commission on Human Rights had also so far been remarkably effective, even though some countries had on occasion tended to use it as a means of settling disputes with other countries. In that connection, his delegation believed that the creation of an Office of High Commissioner for Human Rights might deprive a number of States of the opportunity of contributing to the decision-making process within an intergovernmental body such as the Commission.

39. It would also be important to examine the relationship between the Office of the High Commissioner and the Centre for Human Rights and between the office of the High Commissioner and the Commission; the relationship between the Office

of the United Nations High Commissioner for Refugees and its Executive Committee would be a poor example to follow. The General Assembly would also have to address questions relating to the authority and mandate of the Office of the High Commissioner for Human Rights very carefully, and see to it that they were in accordance with Article 2 of the Charter. Any temptation to invest the Office with the authority to impose sanctions or establish conditions for development assistance should be resisted. As part of its mandate, the Office of the High Commissioner should assist the Economic and Social Council in discharging its obligations, in particular by providing detailed and reliable information on the underlying causes of human rights abuses so that the appropriate organs could take the necessary action to address the roots of the evil. His delegation welcomed the recommendations adopted at the Vienna Conference, particularly the proposal regarding the proclamation of a United Nations decade for human rights education.

40. Mr. SLOKENBERGS (Latvia), speaking on agenda item 115, said that, after 50 years of illegal occupation and annexation by the former Soviet Union, Latvia had regained its independence on 24 August 1991. The policy of russification carried out by Moscow in the Baltic States during that long period had had the effect of changing the demographic situation in Latvia, where ethnic Latvians were close to becoming a minority in their own land. The latter now constituted only 52 per cent of the total population and were a minority in the seven largest cities in Latvia. Another major problem which Latvia had inherited from the former occupying Power was the presence of military forces of Russian Federation, a problem which had still not been resolved despite the ongoing negotiations. The international community had confirmed that there could be no linkage between the withdrawal of those forces by the Russian Federation and the so-called "human rights situation" in Latvia. However, Latvia was concerned by statements to the contrary made by the Defence Minister of the Russian Federation.

41. Latvia was proud that it had regained its sovereignty without spilling the blood of those who had been opposed to independence. On 6 June 1993, the first elections since the restoration of independence had been held in Latvia. Approximately 400,000 non-ethnic Latvians had participated in them and they were now represented by two of the seven parliamentary groups. The 1992 Constitution had been restored and with it the continuity of the laws which had been in force in the independent Latvian State in 1918. Moreover, Latvia had consistently maintained that it was not a successor State to the former Soviet Union. Throughout that process, Latvia had ensured that its legislation was in conformity with international human rights standards and, according to experts of the Council of Europe, the protection afforded by its legislation was comparable to that provided by the Constitution of most of the member States of the Council of Europe.

42. Despite that positive assessment, the Russian Federation had repeatedly alleged that human rights were being violated in Latvia. At the request of Latvia, the Secretary-General had sent a fact-finding mission to Latvia in October 1992, which had formulated its conclusions in document A/47/748. The mission had recognized that Latvia was going through a transitional period and

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was endeavouring to redress certain historical inequities and injustices perpetrated from 1940 to 1991; that that situation had given rise to anxiety among the non-ethnic Latvians about their future status; and that there was no discriminatory policy as such in Latvia. The expert groups sent by European institutions made very similar evaluations. The concerns of the Russian Federation about the situation of ethnic Russians was particularly strange in that Latvia was not the scene of any internal conflict and the International Organization for Migration had found that there were no refugees from Latvia in the territory of the Russian Federation. The Russian Federation had also attempted to champion the rights of all the Russian-speaking persons in Latvia, including Byelorussians and Ukrainians. Yet, neither Belarus nor Ukraine had alleged human rights violations in Latvia. His delegation had therefore concluded that the question of ethnic Russians in Latvia was being used by the Russian Federation as a pretext for interfering in the internal affairs of neighbouring States.

43. Latvia, for its part, had refrained from criticizing the human rights record of the Russian Federation, although hundreds of innocent civilians had been killed in Moscow during the events at the beginning of October 1993, thousands of people had been deported on the basis of a municipal decree, and an entry permit regime had been established, all of which directly violated international human rights standards. Those situations, along with restraints on the freedom of the press, deserved serious attention by the international community.

44. In accordance with the recommendations of the fact-finding mission in Latvia, his Government had taken steps for the further integration of resident aliens into Latvian society and had requested the Secretary-General to circulate a summary of those measures as an official United Nations document. The most important measure was the adoption of a law on citizenship. In that regard, the governing coalition of the Latvian Parliament had drafted a bill that would be put to a referendum. Although legislation on citizenship was the internal affair of every sovereign State, his Government had committed itself to sending the draft citizenship law to the Council of Europe for review and comments before carrying out the referendum. Furthermore the Latvian Parliament (Saeima) was currently working with Council of Europe experts on legislation regarding the status of stateless persons, migrant workers and foreigners in Latvia.

45. States which, for geopolitical reasons, accused other States of violations for which the international community had been unable to find the slightest proof, not only affronted the principles of decency in international relations but also directly violated the provisions of the Charter. The investigation of such allegations wasted precious resources. Worse still, such unsubstantiated allegations devalued the work of the bodies which had already determined the true situation regarding the alleged human rights violations in Latvia. His delegation was prepared to agree to the adoption of a text on agenda item 115 by the Committee on condition that it reflected the actual situation in Latvia and the conclusion of the Secretary-General that human rights were not being violated in Latvia. However, taking into account the Secretary-General's

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conclusions, it would not be able to agree to the inclusion of the item in the agenda of the forty-ninth session of the General Assembly.

46. The CHAIRMAN said that the delegations of Bosnia and Herzegovina and of Pakistan had asked why the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, had not been invited to introduce his report to the Committee. He asked Mr. Ibrahima Fall, Under-Secretary-General for Human Rights, to respond to the question.

47. Mr. FALL (Under-Secretary-General for Human Rights) said that Mr. Mazowiecki had just presented to the Commission on Human Rights his ninth report on the human rights situation in the former Yugoslavia. However, as he (Mr. Fall) noted in his introductory statement, when the Commission on Human Rights had extended the mandate of the Special Rapporteur by one year, in February-March 1993, it had not requested him to report to the General Assembly.

48. Mr. SACIRBEY (Bosnia and Herzegovina) said that his country, like many others represented in the Committee, had been represented at the World Conference on Human Rights, and had welcomed the fact that the universality of human rights had been reaffirmed in the Declaration adopted at the Conference. Yet, only a two hours' flight from where the Declaration had been adopted, the most obvious mass human rights abuses were still occurring in Bosnia and Herzegovina. For more than a year and a half, the citizens of that country had endured starvation, cold and disease. They had endured aircraft attacks, bombardments and sniper fire. The women of Bosnia and Herzegovina had suffered gang rape, forced pregnancy, extermination. In response to those violations, which had been extensively documented, resolutions had been adopted, conferences had been convened and the Belgrade regime and its surrogates had been relegated to the status of pariahs. Yet, at the moment in Bosnia and Herzegovina nothing had changed. The methods of what had come to be called "ethnic cleansing" were being employed as ruthlessly as before. In the areas occupied by the Serbs, the non-Serbs were subjected to harassment, detention and even execution. A police state where terror reigned had forced the exodus of the non-Serb population. Even Serbs living in those areas lived in fear. Those who dared talk to journalists made sure that no one other than their family members were listening. Numerous Serbs had been killed by the forces of Radovan Karadzić for hiding or protecting non-Serbs. The conflict in Bosnia and Herzegovina was not a civil war but a conflict between the fascist nationalism of Belgrade, which was pursuing the objective of an ethnically pure Greater Serbia, and the political philosophy of Sarajevo, which espoused pluralism and democracy. Less than one week after the adoption in Geneva on 18 November 1993 of the joint communiqué authorizing free passage of humanitarian assistance, the Serbian forces had blocked convoys headed for Srebrenica, Sarajevo and other safe areas. On the very day when peace talks had been resumed in Geneva, the Serbian forces surrounding Sarajevo had celebrated the event with a barrage of artillery fire that had killed 6 and wounded 12. That had sent a clear message of contempt for peace, law, tolerance and humanity. Countless examples of such contempt had been shown by the Serbian forces towards the international community. Yet rather than assuming its responsibility to end the genocide and the destruction of one of its own, the international community was beating a retreat. It was

(Mr. Sacirbey, Bosnia and Herzegovina)

that very inertia that had contributed to the conflict currently taking place in central Bosnia between the forces of his Government and Bosnian Croat extremists. Barely two years after the international community had condemned the Serbian shelling of Dubrovnik, Bosnian Croat extremists had shelled and felled the 16th-century bridge connecting Mostar's east and west banks. Like Dubrovnik, that bridge was on the UNESCO list of world heritage sites to be spared and protected.

49. The international community's attitude to Bosnia and Herzegovina was somewhat surreal. In his country, the meaning of words had been completely perverted. The Co-Chairmen of the International Conference on the Former Yugoslavia defined "hard-liners" as those who continued to struggle for pluralism and democracy, while they had recently dubbed those labelled war criminals by Helsinki Watch, the United States Government and other Governments as the "keys to peace". Things continued as if the extent of the human rights violations and the genocide directed against the Bosnians could never reach a threshold high enough to make the international community react otherwise than with words of condemnation, and even those had been hard to come by in recent times. The admirable courage shown by UNHCR and the other humanitarian organizations, which had saved millions of lives, could not be contested. But, as the former special envoy of the High Commissioner for Refugees to the former Yugoslavia had said, the assistance was used as a palliative, an alibi, to mask the lack of political will to confront the reality of the war in Bosnia and Herzegovina with the necessary political and perhaps military means. That was also the view of the Special Rapporteur, who had stated in his report of 19 May 1993 that if sufficient pressure was not applied to force an end to human rights violations, any attempt to find a just and lasting political solution would be doomed to failure. That was borne out by the reality, because the genocide was continuing even as the peace talks resumed in Geneva. The genocide was directed against a people totally committed to democracy, pluralism and protection of human rights. At a time when 85 per cent of the dead in Bosnia and Herzegovina were Bosnian civilians, the international community had denied his Government its inherent right of self-defence by preventing it from acquiring the weapons that would have allowed it to deal with the aggression. As a result, ethnic cleansing, which was not the consequence but the goal of the conflict, was flourishing, even on the eve of the peace negotiations. Rather than barring the way to the murderers, the international community had promoted them to the rank of "peacemakers". Because of that misguided policy, the Muslim population of Bosnia and Herzegovina was still threatened with extermination.

50. Despite the catastrophic situation facing his Government, it had continued to show its firm commitment to a respect for humanitarian law. The previous October, for instance, it had arrested 148 individuals who had been involved, among other things, in black market activities.

51. If the international community wished to eliminate, or at least curtail, human rights abuses in Bosnia and Herzegovina, it must take full cognizance of the fact that those responsible for the violations were the Serbian authorities in Belgrade and their surrogates operating in his country. It had to be aware that the systematic policy of rape and subsequent extermination of rape victims

(Mr. Sacirbey, Bosnia and Herzegovina)

had been concocted by the war criminal Radovan Karadzić, who was currently participating in the Geneva peace talks. As the Special Rapporteur had said, a process of democratization in Serbia was essential before the human rights violations in the region could recede.

52. The international community could still save thousands of lives in Bosnia and Herzegovina, provided that it acted, rather than reacted, to deal with Belgrade's excesses. It must set itself the goal of guaranteeing the delivery of humanitarian relief, the observance of international law and the establishment of a durable peace. The United Nations Protection Force (UNPROFOR) must be mandated to establish secure humanitarian relief corridors. Tuzla airport must be opened for humanitarian purposes, without waiting for the good will of the Serbian forces. The sieges of Sarajevo and other Bosnian towns must be lifted, and full compliance with the resolutions establishing "safe areas" must be enforced. Those inhumane sieges were the most significant obstacle to constructive peace talks. By using the threat of air strikes to lift the sieges, thousands of human lives would be saved. Lastly, the international community must stop the ongoing flow of weapons from Serbia, as required under Security Council resolution 838 (1993), or else lift the arms embargo on his Government. Denying the legitimate Government of the Republic of Bosnia and Herzegovina the means of self-defence only contributed to the destruction of a Member State. As Dr. Martin Luther King had said, the tragedy of the world lay not with the suffering of the thousands, but with the silence of millions.

53. Mr. Chong-Ha YOO (Republic of Korea) said that the World Conference on Human Rights held in June in Vienna had marked a turning-point in United Nations human rights activities when it had reaffirmed that the promotion and protection of all human rights and the adoption of preventive measures to check human rights violations must be considered major issues. To maintain the momentum generated by the Conference, the necessary follow-up measures must be taken to its Declaration and Programme of Action. His delegation hoped that by 1998, the year of the fiftieth anniversary of the Universal Declaration of Human Rights, there would be substantial progress in respect for the fundamental rights of the individual, and that the Declaration would have a real impact.

54. Among the various recommendations adopted by the Conference, his delegation attached special importance to the proposal to establish the post of High Commissioner for Human Rights because it felt, like many other delegations, that to do so, preferably at the current session of the General Assembly, would facilitate coordination of activities conducted by the various United Nations human rights bodies and a more effective response to emergency situations involving human rights.

55. The protection and promotion of human rights, which the Conference had stressed were the primary responsibility of Governments, unquestionably posed many problems for them. Yet such problems, whether they were practical or theoretical, could never be used as a justification for human rights violations. Indeed, where respect for human rights was concerned, the decisive factor was essentially the good faith and the will of Governments. His delegation was

(Mr. Chong-Ha Yoo, Republic of Korea)

convinced that if all Governments were sincerely committed to honour faithfully all their obligations under the human rights instruments to which they were parties, the human rights situation in the world would be considerably improved.

56. With regard to the relationship between democracy, development and human rights, the Vienna Conference had clearly pointed out that those concepts were interdependent and mutually reinforcing. There was, indeed, no doubt that a certain degree of economic development was a prerequisite for democracy and the effective enjoyment of human rights. It should not be forgotten, moreover, that, while States had a responsibility to create an environment conducive to the realization of the right to development, on both the national and the international levels, it was incumbent on the international community to promote international cooperation to that end. The lack of development, however, could not justify human rights abuses; compassion and pragmatism were called for rather than a simplistic, self-righteous approach which could prove counterproductive.

57. The role of the United Nations in the field of human rights must be strengthened and expanded if the objectives set out in the Vienna Declaration and Programme of Action were to be achieved. In that regard, his delegation welcomed the proposal in the proposed programme budget for the biennium 1994-1995, that the resources of the Centre for Human Rights should be increased so that it could function as the focal point for international cooperation in human rights matters. It also supported the proposal that more importance should be attached to education in the area of human rights to improve understanding and awareness of those rights. In that connection, his Government intended to host a regional human rights seminar the following year in cooperation with the Centre for Human Rights.

58. Recent changes in international relations and democratic advances throughout the world had heightened expectations that a universal culture of human rights would finally prevail. It must, however, be noted that human rights continued to be violated, often on a massive scale. Such was the situation in the former Yugoslavia, where horrible crimes were being systematically committed against women and children. His delegation condemned those crimes and fully supported the International Tribunal established to bring their perpetrators to justice.

59. While the situation with regard to human rights was improving in the Middle East and South Africa, in certain other States it remained unchanged. His delegation found that deplorable and urged the Governments of those States to take immediate measures to guarantee fully the basic rights of their citizens. It urged them to cooperate fully with the Special Rapporteurs in the fulfilment of their mandates and, in particular, to allow them to make fact-finding visits to their territory.

60. Mr. MARKER (Pakistan) said that he wished to return to the subject of the massive human rights violations committed in Jammu and Kashmir and briefly reviewed the main elements of that situation. The people of Jammu and Kashmir had for years sought to exercise their right to self-determination, which had

(Mr. Marker, Pakistan)

been recognized both by the Security Council and by Pakistan and India itself. Their struggle had been carried on without serious incident until Indian troops had fired on peaceful demonstrators on 21 January 1990. Since that time, the people of Jammu and Kashmir had been subjected to intense and ruthless repression; some 40,000 men, women and children had been killed, and murder, torture, summary executions, rape and arson were daily occurrences, which had been attested to by such reputable non-governmental organizations as Amnesty International, Asia Watch and the International Federation for Human Rights and others, including some Indian human rights organizations. Furthermore, over the past few months, Indian security forces had intensified their campaign of repression, and two additional divisions of the Indian Army had been sent to Kashmir. The repression now claimed 20 to 30 victims a day, most of them civilians.

61. Those gross and consistent violations of human rights in the Indian part of Kashmir must cease, since they violated all human rights instruments, heightened the political tension between India and Pakistan, and threatened to erupt into a confrontation or conflict, the consequences of which would be catastrophic not only for those two countries but for the entire region.

62. On 19 October 1993, the Prime Minister of India had addressed a letter of congratulations to Mrs. Benazir Bhutto, who had just been elected Prime Minister of Pakistan, in which he had informed her that he was ready to resume bilateral talks with Pakistan, including talks on issues related to Jammu and Kashmir. The Prime Minister of Pakistan had accepted that offer but had informed the Indian Government, first, that the talks should cover all aspects of the dispute relating to Jammu and Kashmir, including the matter of its status and, second, that the Indian authorities should exercise moderation, and, as a first step, lift the siege of the Hazratbal Mosque.

63. Since then, the question of the siege of the mosque had been peacefully, although only partially, resolved. In the meantime, the Indian and Pakistani Governments had reached an agreement, through the diplomatic channel with a view to resuming negotiations, under the terms of which the Ministers for Foreign Affairs of India and Pakistan would meet from 1 to 3 January 1994 to address all aspects of the question of Jammu and Kashmir.

64. The human rights situation in Jammu and Kashmir had, however, not improved and the Indian security forces were continuing their campaign of repression. According to The New York Times and other leading world newspapers, the Indian Army had surrounded the town of Sopur, 20 miles from Srinagar, and between 50 and 200 people had been killed in the clashes that had ensued. All that cast doubt on India's genuine willingness to arrive at a peaceful solution to the crisis in Kashmir, a doubt which had only been reinforced by its brutal repression on 26 and 27 November in Srinagar and other towns, in which it had fired on peaceful demonstrators and burned homes.

65. In a statement published immediately after those events, Mrs. Benazir Bhutto had expressed her alarm over the escalation of the violence in Jammu and Kashmir and had questioned India's willingness to resume talks with

(Mr. Marker, Pakistan)

Pakistan. She had called on the world community to take note of the gravity of the human rights situation in the Indian part of Kashmir and had urged all States to appeal to India to halt its repressive activities. She had also requested them to ask India to allow international humanitarian organizations and the international media to enter Jammu and Kashmir unhindered, and had assured the people of Jammu and Kashmir that Pakistan would do its utmost to ensure that their rights were respected.

66. His delegation hoped that all States Members of the United Nations, and especially those friendly countries which had appealed to Pakistan to defer the submission of a draft resolution on the human rights situation in the Indian part of Kashmir, would use their influence with the Government of India to persuade it to change its position. The events in Kashmir were a matter of concern to the international community, and it was incumbent on the United Nations to ensure that the human rights situation in that part of the world improved.

67. Mr. NOACK SIERRA (Guatemala) said that human rights, in which the United Nations had been extremely active since its inception, was a matter to which his delegation attached the highest importance. According to estimates by the Centre for Human Rights, at least half the world's population was, in one form or another, subjected to serious violations or denials of human rights or fundamental freedoms. Guatemala had taken part in the World Conference on Human Rights in June, in the hope that it would encourage the promotion of and respect for such rights and would also put an end to the tendency to consider the matter in a selective, discriminatory and tendentious manner, applying different standards to different countries. His country reaffirmed its full support for the Declaration adopted at the Conference, which recognized the need to examine the issue of human rights in a fair and equitable manner, in a spirit of equality and not of confrontation.

68. In May 1993 a peaceful, popular demonstration had put an end to the crisis of government in Guatemala and brought about the restoration of democracy, with the accession of the Public Advocate for Human Rights, Mr. Ramiro de León Carpio, to the presidency of the Republic. The new Government had confirmed its unconditional commitment to the promotion of and guaranteeing of respect for the human rights and fundamental freedoms of all Guatemalans. An agreement that had recently - on 16 November - been concluded between the executive and legislative authorities had made it possible to overcome the political crisis which the country had undergone over the past three months. The Government's plan for the biennium 1994-1995 had an economic component - directed at eliminating poverty and improving living conditions for Guatemalans - and a political component, focusing on the reconciliation of the Guatemalan family to bring an end to the armed confrontation which had divided the country for more than 30 years and which had its source in the ideological confrontation handed down from the cold war. The plan would have to be accepted if Guatemalans were to enjoy all their fundamental rights.

69. In that connection, the Guatemalan Government wished to reiterate yet again its concern over the activities of small groups of armed rebels on the fringes

(Mr. Noack Sierra, Guatemala)

of the law and in flagrant violation of the rights of the Guatemalan people. The incessant acts of sabotage and destruction of the country's infrastructure carried out by members of the Unidad Revolucionaria Nacional Guatemalteca (URNG), the blowing up of mines and the laying of explosives in areas frequented by civilians obliged the Guatemalan army to stay on the alert to protect lives and private property. His delegation therefore welcomed the fact that the Commission on Human Rights concerned itself with the human rights consequences of acts of violence perpetrated by armed groups and others.

70. The Guatemalan Government, which had always worked with the Commission on Human Rights and the special representatives appointed by the Secretary-General, had done everything necessary to implement the recommendations of the independent expert investigating the human rights situation in Guatemala. In particular, it had taken measures to ensure the separation of the police and the armed forces. The Director-General of the national police was now a civilian, fully aware of the importance of respect for human rights. Seminars had been organized to inculcate in army and police officers respect for the rights of the people and the Guatemalan Government and the Inter-American Institute of Human Rights had undertaken a joint revision of the national police handbooks. The security corps attached to the Presidential headquarters, known as "Archivo", had been disbanded. With help from UNICEF, a proposal had been formulated for the creation of a special police corps to deal with minors. A purge of the various security corps had also been initiated and the right to carry arms was now more closely controlled. The government procurator's office, in collaboration with the United Nations Institute for the Prevention of Crime and Treatment of Offenders in Latin America and the Inter-American Institute of Human Rights, was currently working on a draft law, one provision of which would guarantee protection for witnesses. In addition, many educational programmes on human rights and the rights of indigenous populations, in particular, were currently being organized in educational establishments.

71. In accordance with the recommendations of the independent expert, the Government had taken measures to exercise greater control over the volunteer civil defence committees and had instituted an inquiry into the abuses committed by them. Anxious to stem the wave of violence and criminality which was sweeping the country in the wake of the economic crisis, the Government had set up a security plan for its citizens. It was also endeavouring to reduce illiteracy and had established Mayan language schools in order to preserve the local culture. It was further seeing to it that displaced and repatriated persons had access to education. Much attention was also being devoted to street children and a training centre had recently been set up for their benefit. Lastly, the Government was concentrating its efforts on the poor regions in the high plateau and was seeking to obtain financial resources to fund many social investment projects.

72. Guatemala associated itself with the move to proclaim a United Nations Decade of the world's indigenous people. In Guatemala 70 per cent of the population consisted of various ethnic groups whose economic and social situation was especially precarious. His country believed that the time had come for the rights of the world's indigenous peoples to be recognized.

(Mr. Noack Sierra, Guatemala)

73. Guatemala unreservedly supported the idea of establishing a post of United Nations high commissioner for human rights and hoped, in particular, that by centralizing and coordinating United Nations activities in that sphere, the high commissioner would put an end to the disorganized proliferation of such activities. He remained convinced, however, that political and legislative reform in the field of human rights might still be futile unless an effort was made to combat poverty and raise the standard of living. In the face of the problems afflicting the contemporary world, international cooperation was an absolute obligation. He reaffirmed Guatemala's intention to continue to work with the United Nations and with any officials appointed by it to study the human rights situation in Guatemala.

74. Mr. BHANDARE (India), speaking in exercise of the right of reply, deplored the remarks made by the delegation of Pakistan, which sat oddly with the fact that the Government of Pakistan and the Government of India had recently decided to resume their bilateral talks on the question of Jammu and Kashmir. He reserved the right to reply later and in detail to the false allegations made by the representative of Pakistan.

75. Mr. AKRAM (Pakistan) said that he had no intention of engaging in a long polemic with the Indian delegation. He had raised the question of Jammu and Kashmir because it was a part of the world where the question of human rights was acutely pertinent. Personally, he was gratified that the matter had received attention from the international community. There would be no peace or security in Jammu and Kashmir as long as India persisted in conducting its policy of repression.

76. Miss MANSARAY (Sierra Leone) said that her delegation had welcomed the announcement that on 1 January 1994 negotiations between India and Pakistan were to be resumed. She hoped that they would result in an agreement.

77. Prince AL-SAUD (Saudi Arabia) said that he was very concerned about the human rights violations in Jammu and Kashmir. His delegation welcomed the fact that the problem of the siege of the Hazratbal mosque had been resolved and that India and Pakistan were ready to resume their talks. He hoped that those talks would result in a settlement.

The meeting rose at 6.15 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
46th meeting
held on
Tuesday, 30 November 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 46th MEETING

Chairman: Mr. KUKAN (Slovakia)

later: Mr. VAN DER HEIJDEN (Netherlands)
(Vice-Chairman)

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The meeting was called to order at 10.15 a.m.

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1. Mr. APATA (Nigeria) commenting on item 114 (b), said that human rights should not be confined to national frontiers: they should remain on the top of the international community's agenda until giant strides had been made towards the full enjoyment of those rights. At the World Conference on Human Rights held in Vienna in June 1993, his delegation had strongly supported the recommendation for the establishment of a High Commissioner for Human Rights. Such a post would enhance the United Nations role in the protection and promotion of human rights and fundamental freedoms. The High Commissioner's mandate should provide for flexibility and freedom of action.

2. Nigeria, whose basic laws contained explicit provisions for the protection of human rights, had acceded to the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The country's independent judiciary had been playing an important role in fostering respect for human rights. The Government provided free legal aid to those accused in civil and criminal cases. The Nigerian Bar Association had a highly regarded subcommittee on human rights which assisted individuals whose rights had been infringed. The activities of non-governmental organizations had also contributed significantly to the major strides recorded in the field of human rights in his country and their work should be encouraged and facilitated.

(Mr. Apata, Nigeria)

3. Nigeria appreciated the concern of the European Union and the rest of the international community over recent political events in his country. The present Government was committed to the early restoration of democracy. The constitutional conference that would define the power structure and set a date for elections and restoration of democratic institutions would commence deliberations early in the new year. He appealed for the understanding of the international community in the country's current difficult times.

4. Mr. TÜRK (Slovenia), referring to items 114 (b) and (c), said that his delegation continued to be concerned at violations of human rights in various parts of the world. But expressions of concern were not a sufficient response to massive violations of human rights. The Vienna Declaration and Programme of Action had shown that a universal approach to human rights was not only possible but also necessary, and had enhanced the opportunity for genuine communication among societies with different historical and cultural backgrounds.

5. However, the optimism generated at Vienna had to be translated into specific action. Two priority areas concerned the need to eliminate such abhorrent practices as torture and arbitrary killings and to fill the gaps in standards governing policies concerning minorities and indigenous peoples.

6. With regard to the establishment of a High Commissioner for Human Rights, his delegation had submitted a detailed paper (A/C.3/48/8) offering some ideas and suggestions. They concerned primarily the improvements needed in the United Nations human rights structures, and the High Commissioner's mandate and terms of appointment.

7. Mr. BILOA TANG (Cameroon) said, with regard to item 114 (b), that his delegation endorsed the emphasis placed by the Vienna Declaration and Programme of Action (A/CONF.157/23) on the universality and indivisibility of all human rights and the link between those rights and development and democracy. His delegation also welcomed the prominence accorded by the Declaration to the rights of women, children, persons with disabilities, vulnerable groups and indigenous peoples. Further, it endorsed the proposals for decades of action relating to indigenous people, human rights education, and racism and racial discrimination, as well as the proposal for a United Nations decade for human rights.

8. United Nations human rights institutions required strengthening with a view to implementing the Vienna Declaration. In that connection, the establishment of a High Commissioner for Human Rights merited careful consideration; his delegation would participate fully in the relevant deliberations. Funds should be reallocated in order to strengthen the Centre for Human Rights and its capacity to promote international cooperation for development, which should seek to eradicate all social and economic obstacles to full individual participation in development and democracy.

9. Through liberalization and the relaunching of multiparty politics, his country was promoting and fostering the view that human rights could be safeguarded only in a democratic framework. In addition, Cameroon's recent

(Mr. Biloa Tang, Cameroon)

election to the Commission on Human Rights would enable it to participate fully in international human rights endeavours and to assist its own national human rights institutions. He concluded by saying that the international community should constantly renew its commitment to the continuing process of development, democracy and the promotion of human rights.

10. Ms. ARYSTANBEKOVA (Kazakhstan), commenting on items 114 (b) and (c), said that for almost two years her country had been building a strong sovereign State with a socially oriented market economy. Its political system and state structure were undergoing radical changes and Kazakhstan was committed to democracy and the observance of international standards. In January 1993, its Parliament had adopted a Constitution, which ensured human rights and equality of all nationalities and national groups.

11. A basic element of the domestic policy of Kazakhstan, where there were more than 100 nationalities, was the principle of consensus. Kazakhstan was endeavouring to carry out a strategy fostering social unity and to ensure equality and the development of the language and culture of all its citizens. It was the only State of the former Soviet Union where national radio and television broadcasts were in six languages and schoolchildren were instructed in 18 languages.

12. The implementation of human rights was a long and gradual process. Kazakhstan supported the affirmation of the universal nature of human rights and underscored the need to take account of the national characteristics of each country. A person was truly free only when each member of society could freely enjoy his political, economic, social, cultural and civil rights. Social upheaval, growing inflation, decreased production and an increase in crime had a negative impact especially on women, children, the elderly and the disabled. Ensuring the rights of those groups therefore was an important component of United Nations human rights activities.

13. Kazakhstan had adopted legislation in the field of education, health care, social protection and protection of mothers and children and had set up a social-welfare programme for disabled persons. Her country fully supported universal ratification of the Convention on the Rights of the Child by 1995 and stressed the need to ensure its implementation through legislative and other measures with the maximum allocation of resources. A legal framework was necessary to promote respect for human rights. Education must foster mutual tolerance and friendship among all peoples and religions. Her country was currently carrying out legal reform and was committed to the ideals of democracy, development and social justice, and universal observance of human rights. Lastly, her delegation was looking forward to effective work on the part of a High Commissioner for Human Rights.

14. Mrs. BARGHOUTI (Observer for Palestine) said, in commenting on item 114 (b), that the international community must act urgently to implement human-rights instruments and put an end to the use of double standards when condemning human-rights violations. The human-rights situation of the Palestinian people in the occupied Palestinian territory, including Jerusalem,

(Mrs. Barghouti, Observer, Palestine)

had not noticeably improved. The promotion of Palestinian social, civil, political and economic rights could be guaranteed only if there was strict compliance with international human-rights instruments and humanitarian law in the occupied territory, particularly as set forth in the fourth Geneva Convention.

15. An alarming number of Palestinians had been killed in 1993. Many human-rights organizations had condemned the arbitrary killing of Palestinians by Israeli soldiers at military check-points. She called upon Israel, the occupying Power, to put an end to its policy of summary executions and killings and to permit an impartial investigation of that policy. Another cause for concern was the escalation of violence by Israeli settlers in the occupied territory and the failure of the occupation authorities to halt it. The destruction of Palestinian property by settlers was occurring in all areas of the West Bank and the Gaza Strip and included the burning of hundreds of homes and cars. The repeated closing-off of areas of the occupied Palestinian territory, including Jerusalem, had worsened existing economic and social problems and created new ones.

16. Her delegation welcomed the decision by the Commission on Human Rights to appoint a special rapporteur to investigate Israel's violations of the human rights of the Palestinian people. She hoped that Israel would cooperate. The signing of the Declaration of Principles between the Palestine Liberation Organization (PLO) and the Government of Israel represented the first step towards achieving a just and lasting peace. Her delegation hoped that it would also mark the beginning of a new era for the human-rights situation of the Palestinian people, in which Israel would scrupulously abide by the fourth Geneva Convention.

17. The PLO considered human rights to be of primary importance and would respect internationally recognized human-rights standards in future Palestinian legislation. It intended to establish a national institution for human rights, reflecting its determination to implement human-rights instruments in daily practice.

18. Mrs. DE BARISH (Costa Rica), referring to items 114 (b) and (c), said that the proposal to establish a High Commissioner for Human Rights was highly appropriate. The lack of an effective body for coordinating United Nations activities for the protection of human rights and the need to foster cooperation among Member States in order to meet their obligations under the Charter made such an appointment necessary. She also shared the view that the United Nations Centre for Human Rights needed to be strengthened.

19. Costa Rica supported the promotion of education, training and public information on human rights and urged all Member States and institutions to include human rights, humanitarian law, democracy and the rule of law in the curricula of all educational institutions. In that regard, her delegation, together with others, had prepared a draft resolution to proclaim a United Nations decade for education on human rights.

(Mrs. De Barish, Costa Rica)

20. Her delegation agreed with the emphasis of the Vienna Declaration and Programme of Action on the importance of making women full participants in and beneficiaries of development. Women should be granted full enjoyment, on an equal footing, of all human rights; that should be a priority issue for Governments and the United Nations. They must be integrated into all the main activities of the United Nations system. In that connection, her delegation fully supported the adoption, at the current session, of the draft declaration on violence against women.

21. Costa Rica also supported the principle of "first call for children" put forward by the World Summit for Children. Efforts, especially those of the United Nations Children's Fund (UNICEF), should be intensified in order to promote the rights of all children to survival, protection, development, education and participation. Measures should also be taken to achieve universal ratification of the Convention on the Rights of the Child by 1995 and the universal signing of the World Declaration on the Survival, Protection and Development of Children Plan of Action adopted by the World Summit. It did not, however, make sense to ask all Member States to become parties to the Convention on the Rights of the Child when only 10 States were represented on the Committee on the Rights of the Child. Its membership should therefore be increased to 18.

22. In conclusion, she expressed full support for the declaration on Bosnia and Herzegovina adopted by the World Conference on Human Rights, which appealed for an end to the genocide and human-rights violations in that country.

23. Mr. BUTLER (Australia) said, with reference to items 114 (b) and (c), that the transition to democracy in some countries had not yet brought the full benefits of stable institutions and economic growth. The reports of the special rapporteurs and representatives were a stark reminder of the massive human-rights violations arising from internal and regional conflicts and humanitarian crises. None the less, the results of the recent World Conference on Human Rights were encouraging. In particular, the Vienna Declaration and Programme of Action provided a firm foundation for strengthening the United Nations human-rights system. He hoped that an early decision could be taken to establish a High Commissioner for Human Rights. His delegation would also work with others to ensure that the Centre for Human Rights was provided with the necessary resources.

24. Concerted action by the United Nations need not be confrontational: an approach based on cooperation and the provision of practical assistance was more likely to improve respect for human rights. Furthermore, the argument that economic rights must have priority was not persuasive. Respect for individual freedoms was more likely to produce economic growth than the suppression of civil or political freedom based on claims of collective rights. However, some useful work had recently commenced on the right to development, identifying the need for greater inter-agency cooperation in formulating programmes to promote that right.

25. Australia welcomed the recommendation of the World Conference to strengthen United Nations assistance to States wishing to establish or reinforce national

(Mr. Butler, Australia)

human-rights institutions. Having already made a substantial financial contribution towards strengthening human-rights machinery, Australia was also willing to continue providing bilateral assistance. That included the strengthening of national institutions, electoral assistance, advice on the drafting of constitutions, help in improving law enforcement, and support for United Nations peace-keeping operations. A High Commissioner for Human Rights would play an important role in extending such forms of assistance.

26. Australia called on the authorities in Myanmar, where civil and political rights continued to be severely restricted, to release political leaders and work with them in the urgent task of democratizing and reconstructing the country. It likewise called on Iraq, where human-rights violations continued, to cooperate with the Special Rapporteur and accept the proposal to station human-rights monitors inside its territory. Similarly, Cuba and the Islamic Republic of Iran should permit visits by United Nations representatives and respond to efforts to create the conditions whereby their citizens could enjoy their fundamental rights and freedoms. Concerning the Sudan, his delegation was particularly concerned by the reprisals taken against those who had contacted the Special Rapporteur during his visit there. He called on the Sudanese Government to cease the grave abuses taking place in the country, declare a cease-fire in the internal struggle, guarantee the safety of relief workers and cooperate in enabling emergency relief to reach civilians.

27. In the territory of the former Yugoslavia, where suffering and human-rights abuses continued unabated, a comprehensive peace settlement was overdue. Australia strongly supported the international efforts to prevent the conflict widening and to restore peace. It also welcomed the establishment of the International Tribunal under Security Council resolution 827 (1993) as a means of bringing the perpetrators of human-rights abuses to justice.

28. In short, the message of Vienna was clear: the common objective of all States was to achieve respect for human rights. With that in mind, concerted international effort was needed to strengthen the United Nations system through cooperation, dialogue and institution-building.

29. Mr. JARAMILLO (Colombia) said that the 1993 World Conference on Human Rights had revitalized the issue of human rights and represented the start of a new era based on the concept of the interdependence of all human rights. Colombia deemed that the principle of commitment by all States to the human-rights conventions was fundamental. However, it emphatically rejected the use of the notion of human rights as a means of interfering in the internal affairs of a country. The sovereignty and territorial integrity of States must at all times be respected.

30. His delegation commended the establishment of a Working Group of the Third Committee to study the possibility of creating the post of High Commissioner for Human Rights, and deemed that that post could prove useful in coordinating the existing human-rights machinery without duplicating the functions of the Centre for Human Rights. Its role must also focus on the creation of a world-wide

(Mr. Jaramillo, Colombia)

culture of human rights through the promotion of educational and public-information programmes.

31. For its part, Colombia had for many years fought to defend the human rights of its citizens. The Government had rallied its forces behind a firm and cohesive policy directed at eradicating violence, achieving peace and obtaining full adherence to all human-rights principles. Despite the magnitude of the challenge, it had succeeded in strengthening institutions, reforming the judicial system and upgrading the investigative agencies and the security forces, and had battled against corruption. There was a public defender with the specific task of defending human rights, and an Attorney-General to protect citizens from violations of their rights. The police and the armed forces had been reformed, and benefited from ongoing human-rights training programmes for all members.

32. Nevertheless, as various international organizations had observed, it was the guerrilla movement which was responsible for the gravest breaches of human rights in Colombia. Its members murdered ordinary citizens, including women and children, and carried out random terrorist attacks and kidnappings motivated purely by money. The eradication of that senseless violence was essential if Colombia was to achieve peace and human rights for its citizens.

33. Lastly, he emphasized the need to strengthen those instruments dedicated to the protection of disadvantaged groups, including minorities, indigenous peoples, children, women, disabled persons and migrant workers. The relevant recommendations made by the World Conference should be implemented as soon as possible.

34. Mr. EL DEEB (Egypt), commenting on item 114, reaffirmed the universality and indivisibility of human rights as proclaimed in the Vienna Declaration and Programme of Action, and said that political progress and socio-economic development were of equal significance. The right to development was also important as a guarantee of enjoyment of other fundamental human rights. His delegation was concerned that implementation of the Declaration should be universal and balanced. Referring to the current debate on establishing a High Commissioner for Human Rights, he said that careful consideration should be given to determining the mandate of that office and its relationship with United Nations agencies and Member States.

35. Recent world events had highlighted the importance of democracy, the system to which Egypt was committed under its Constitution; the legal guarantees thus provided permitted the expression of opinion and effective political participation by every individual in Egyptian society. In the world at large, however, adverse factors marred the progress made in the field of human rights; in the former Yugoslavia, for example, odious practices were carried out with a view to driving out the Muslim population. His delegation stressed that the international community should bring an end to those practices by imposing the rule of international legitimacy universally and without distinction.

(Mr. El Deeb, Egypt)

36. In the Middle East, the signing of the Declaration of Principles on Interim Self-Government Arrangements between Israel and the Palestine Liberation Organization was a positive development. He hoped that the enjoyment of human rights among the Palestinians of the West Bank and Gaza Strip would be enhanced as a result. Concerning the delicate problem in Somalia, greater international cooperation was required to create stability and thus improve the enjoyment of human rights by the Somali people.

37. Mr. FSADNI (Malta), referring to item 114 (b), said that the Vienna Declaration and Programme of Action presented the international community with a formidable challenge. The first duty of the General Assembly was to endorse that document and to begin to work in earnest on its implementation. To that end, Malta was co-sponsoring draft resolution A/C.3/48/L.38. Among the fundamental principles reaffirmed by the Vienna Declaration was the universal and inalienable right to development, with the human person as its central subject. And yet, while development facilitated the enjoyment of all human rights, its lack could not be invoked to justify any abridgement of those rights.

38. But the true challenge of the Vienna Declaration resided in its recommendations for the monitoring and implementation of existing standards and instruments. Malta in particular commended the establishment of the Working Group to consider the creation of a post of High Commissioner for Human Rights to coordinate United Nations activities in that realm. Malta would participate in the Working Group, and would favour the provision of the resources that would be needed by the High Commissioner. He also expressed support for the proposed increase in the resources of the Centre for Human Rights to enable it to continue its excellent work, and paid tribute to the many non-governmental organizations for their important contribution.

39. Mr. MARUYAMA (Japan), commenting on item 114, highly commended the role the United Nations system had played in promoting human rights, and had shaped its policy in accordance with the two international covenants. That human rights were a value universally held had been reaffirmed by the World Conference on Human Rights, which had provided a valuable opportunity to review past developments and to chart a course for the future. The adoption of the Vienna Declaration and Programme of Action was a milestone in the efforts of the Organization to promote and protect human rights. An understanding had been reached that United Nations human-rights mechanisms must find effective and efficient ways to respond to new and increasingly complex situations. With the end of the cold war, the task of combating human-rights abuses had grown, and it was expected that the United Nations would play a significant role in that process. It must be allocated the necessary resources, in terms of both budget and staff, to enable it to meet those challenges. Japan supported the decision to accord a higher level of resources to the Centre for Human Rights, and the recommendation that the post of High Commissioner for Human Rights should be created.

40. It nevertheless devolved on the Centre for Human Rights itself to demonstrate that it urgently needed additional resources to fulfil its mandates.

(Mr. Maruyama, Japan)

Fact-finding mechanisms such as special rapporteurs and independent experts remained the best means of assessing human-rights situations. But special rapporteurs would naturally need adequate staff in order to discharge their responsibilities. Furthermore, countries should cooperate by promptly agreeing to receive fact-finding missions: the timing of those mechanisms needed to be corrected so that the final reports could be discussed and acted upon by the Third Committee before the material became outdated.

41. Some countries argued that human rights fell within their domestic jurisdiction, and indeed States had the primary responsibility for guaranteeing those rights. However, human rights were also of legitimate concern to the international community, which had an obligation to respond to allegations of abuse. The expression of concern should not be regarded as interference in internal affairs. In that context, discussions involving the situation of human rights in individual countries must not be employed for political ends, but should rather be aimed at remedies. Japan wholly supported United Nations fact-finding mechanisms, since any judgement must be based on an objective understanding. After a violation was confirmed, the international community should focus its energy not on counterproductive accusations but on rectifying the problem.

42. The status of human rights in such countries as Afghanistan, Cuba, Haiti, the Islamic Republic of Iran, Iraq, Myanmar, the Sudan and the former Yugoslavia were deeply troubling. Japan commended the special rapporteurs for their reports, and lamented that certain States had declined to respond to the requests of special rapporteurs to conduct fact-finding missions in their countries. In sum, Japan remained strongly committed to the defence of human rights.

43. Mr. Van der Heijden (Netherlands), Vice-Chairman, took the Chair.

44. Mr. NANJIRA (Kenya) said, with reference to item 114, that the scope of human rights had been broadened to include new categories of persons and had become a sensitive, political, cultural and economic issue. The main actors responsible for the promotion and protection of human rights were States, the United Nations system and non-governmental organizations, which should play a greater role in that regard. The ratification of human rights conventions per se did not guarantee the implementation of those rights. Commitment to human rights must be reflected in concrete action at the national, regional and international level.

45. Recent developments had placed human rights high on the international agenda. The opening-up of Eastern and Central Europe since 1988 had introduced new challenges of an economic, social and political nature. The North-South dialogue now lacked the traditional East-West dimension. There was a trend whereby one bloc of countries pointed fingers at the other bloc and everything should be done to prevent that. The world's economic, political, social and cultural problems had also focused attention on human rights. Solving those problems required an appropriate level of financial resources.

(Mr. Nanjira, Kenya)

46. Economic, social and cultural rights, including the right to development, had been neglected for a quarter of a century because the international community had concentrated more on civil and political rights. Accordingly, there was a need to stress the implementation of economic, social and cultural rights in accordance with the United Nations documents, including the Declaration on the Right to Development and the Vienna Programme of Action. The obstacles to realization of the right to development included racism, political instability, colonialism and neo-colonialism, foreign domination and occupation, aggression and hegemonism.

47. His delegation attached considerable importance to human rights in the administration of justice and expressed appreciation for the assistance provided in that area to needy countries, as outlined in the Secretary-General's report on that question (A/48/575). It was also gratifying to note the support by the Centre for Human Rights in providing advisory services to developing countries, including Kenya. The Centre and other relevant United Nations bodies should continue to assist those countries with training courses and symposia on the promotion of human rights and the administration of justice. The national and regional capacities of Member States in that regard should be strengthened in order to promote human rights more effectively. To achieve that objective, financial, technical and material support should be provided to the developing countries as well as the United Nations bodies dealing with human-rights questions. The Centre for Human Rights should be given additional resources and encouraged to enhance its advisory services for those countries. In Africa, his Government had played a significant role in promoting human rights in the administration of justice and had hosted a Conference of Ministers of Justice and Attorneys-General of East and Central Africa, as part of the preparations for the Vienna Conference.

48. Agreement could be reached on the establishment of a High Commissioner for Human Rights at the current session. The mandate of the High Commissioner must be clearly formulated on the basis of existing documents such as the Charter of the United Nations, the Vienna Declaration and Programme of Action, and the Declaration on the Right to Development. The High Commissioner must be well versed in human-rights questions and should be able to work with intergovernmental bodies and be acceptable to all Governments. His mandate should include clear guidelines and principles outlining the nature of the reporting system and procedures to be followed.

49. The High Commissioner should take measures to eliminate obstacles to the full enjoyment of human rights and suggest ways to raise funds for protecting human rights and disseminating public information on that subject. One of his major tasks would be to mobilize resources for capacity-building, training, technical assistance and advisory services. He should encourage popular participation in dealing with human-rights issues and conduct symposia and seminars on human rights.

50. The High Commissioner should provide special protection to the most vulnerable and disadvantaged groups and should be given a clear mandate by the General Assembly to ensure respect for human rights and fundamental freedoms.

(Mr. Nanjira, Kenya)

His appointment should be approved by the General Assembly and he must have sufficient authority to carry out his mandate.

51. The most urgent task in following up the Vienna Conference was to devise a clear procedure for implementing human rights. The needs of Governments and the Centre for Human Rights should be determined in order to implement the Vienna Programme of Action and the Declaration on the Right to Development. The effectiveness of national and regional mechanisms to promote the enjoyment of human rights must be enhanced. A focal point should be established in the Centre for Human Rights for all United Nations activities relating to the right to development as a human right. National focal points should be established to coordinate human-rights activities. Human rights must not be used as a weapon in foreign policy and development cooperation. Lastly, there was a need for a mechanism to assess the implementation of the Vienna Programme of Action and the Declaration on the Right to Development.

The meeting rose at 1 p.m.

UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

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THIRD COMMITTEE
47th meeting
held on
Tuesday, 30 November 1993
at 6 p.m.
New York

SUMMARY RECORD OF THE 47th MEETING

Chairman: Mr. VAN DER HEIJDEN (Netherlands)
(Vice-Chairman)

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In the absence of Mr. Kukan (Slovakia), Mr. Van Der Heijden (Netherlands), Vice-Chairman, took the Chair.

The meeting was called to order at 7.20 p.m.

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AGENDA ITEM 115: SITUATION OF HUMAN RIGHTS IN ESTONIA AND LATVIA (continued) (A/48/82, 156, 208, 220, 223, 259 and 511; A/C.3/48/16)

AGENDA ITEM 172: NECESSITY OF ADOPTING EFFECTIVE MEASURES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN THROUGHOUT THE WORLD WHO ARE VICTIMS OF ESPECIALLY DIFFICULT CIRCUMSTANCES, INCLUDING ARMED CONFLICTS (continued) (A/48/242; A/C.3/48/1/Add.1)

1. Mr. GUILLEN (Peru) stressed the interest which the question of the establishment of a United Nations High Commissioner for Human Rights had elicited. If that post was to be established, the High Commissioner should have a reasonable mandate, in other words, one that was neither so broad that he would not be answerable to the General Assembly, nor so narrow that he would simply become a rapporteur on a broad range of topics. In order to forestall any doubts which might arise in connection with his work, the High Commissioner should submit, each year, a report on what he planned to accomplish. The existence of a High Commissioner would enhance the human rights machinery of the United Nations system and would provide it with a proper approach, one that avoided the politicization of human rights.

2. The international community had already shown that it could respond promptly, on the basis of the international system for the protection of the human person, consisting of international human rights law, international humanitarian law and international criminal law, which was being elaborated to put an end to grave and systematic violations of international humanitarian law

(Mr. Guillen, Peru)

and to punish them properly through the establishment of the International Tribunal for the prosecution of alleged perpetrators of grave violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. Nevertheless, the violence committed by terrorist groups - a reprehensible phenomenon of contemporary life - should not be forgotten. In that connection, there was a need to strengthen the doctrine being elaborated, the resolutions adopted by the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities, both of which condemned terrorism in all its forms and manifestations as a violation of human rights, constituted significant progress in that regard. The adoption by the General Assembly of draft resolution A/C.3/48/L.42, entitled "Human rights and terrorism", would be a further step towards upgrading the Organization's efforts to condemn the human rights violations committed by terrorist groups.

3. Peru, convinced of the importance of promoting and ensuring respect for human rights, had always maintained close coordination with the United Nations system, as shown by its policy of collaborating with the relevant human rights bodies. The resolution dealing with the human rights situation in Peru adopted by the Subcommission on Prevention of Discrimination and Protection of Minorities, which strongly condemned the violations of human rights perpetrated by the terrorist groups Sendero Luminoso ("Shining Path") and the Tupac Amaru revolutionary movement, was tangible proof of the growing understanding on the part of the international community of the criminal dimensions of terrorist violence in Peru.

4. A broad dialogue between the State and the public, involving a common approach to human rights issues, was currently taking place in Peru. The best evidence of that was the recent establishment of the National Council on Human Rights, consisting of public officials, a representative of non-governmental organizations dedicated to the promotion and protection of human rights, a representative of the Catholic Church, and a representative of the National Family Welfare Institute, among others. The Council's functions included formulating and making proposals to the executive branch concerning human rights policy and establishing institutional links with organizations involved in the defence, promotion and protection of human rights. In addition, the new criminal legislation had given a new dimension to constitutional rights, habeas corpus and the remedy of amparo, and had provided for the possibility of review in cases of flagrant judicial error.

5. Lastly, the constitution approved in a referendum on 31 October 1993 had become the cornerstone of a renewed effort that would ensure the continuation of the broadest respect for human rights.

6. Mrs. MSUYA (United Republic of Tanzania) said that, although 45 years had passed since the adoption of the Universal Declaration of Human Rights, the vast majority of the world population had yet to enjoy the human rights embodied in the Declaration, the most basic of which was the right to life, for without it, the other rights could not be enjoyed. Accordingly, any effort to promote and

(Mrs. Msuya, United Republic of Tanzania)

protect human rights must take into account the right to economic development, so as to sustain life.

7. Poverty and misery undermined the prospects for effective enjoyment of human rights and fundamental freedoms. Every day, thousands of children died because of malnutrition and preventable diseases, and every year, millions of women died in childbirth for lack of proper facilities, and millions of people died of starvation in developing countries. Furthermore, poverty was one of the causes of environmental degradation, and thus minimized the possibilities for economic development.

8. The international community should endeavour to arrest that trend and to eliminate poverty. Food shortages could be eliminated, health services improved and income distribution regulated through the enhancement of international economic cooperation and development assistance. Her country was optimistic that the renewed quest for global promotion and protection of human rights would ensure that the right to development was reflected in practical policies focusing on balanced socio-economic development; that would be the most effective guarantee of the enjoyment of human rights and fundamental freedoms.

9. She emphasized the recommendations contained in the Vienna Declaration, which urged Governments and the United Nations system, as well as other multilateral organizations, to increase considerably the resources allocated to programmes aiming at the establishment and strengthening of national legislation, national institutions and related infrastructures, which upheld the rule of law and democracy, human rights awareness through training, teaching and education, popular participation and civil society. The Vienna document implied a commitment by all Governments to give greater prominence to human rights in their policies, a commitment which her country shared. The international community should work out the modalities for the implementation of the Vienna Declaration and Programme of Action in order to make possible the enjoyment of human rights through their embodiment in national and international institutions.

10. Ms. KOFLER (Austria), referring to agenda item 114 (c), said that her country shared the concern expressed in the reports on the situation of human rights in the territory of the former Yugoslavia, Afghanistan, the Islamic Republic of Iran, Iraq, Cuba, the Sudan and Somalia, supported the recommendations set forth in the reports and urged all States concerned to take account of them.

11. Austria was particularly interested in the question concerning the proper procedure for States and international and non-governmental organizations to express their views on human rights violations in a specific country or field. The World Conference on Human Rights held in June 1993 had confirmed that the promotion and protection of human rights was a legitimate concern of the international community; in other words, it was not an internal affair of the State concerned and, therefore, was in accordance with the Charter of the United Nations. Austria was also open to criticism in that regard by other States,

(Ms. Kofler, Austria)

international or regional bodies and non-governmental organizations and, while it was not always in agreement with such criticism, it accepted the procedures and the principle that the protection of human rights constituted a legitimate concern for all. On several occasions, the European Court of Human Rights had found that Austria had violated the European Convention on Human Rights, which had resulted not only in the payment of compensation to those concerned, but, frequently, in amendments to the legislation or regulations in question. In other cases, non-governmental organizations pointed out problems related to respect for human rights in Austria, and a very fruitful dialogue generally ensued.

12. In order to change the deplorable situation described in the final document of the World Conference on Human Rights, open cooperation by all States with the various United Nations human rights mechanisms was necessary. Those mechanisms and their reports, conclusions and recommendations were of paramount importance for the promotion and universal protection of human rights. The unconditional cooperation of the State concerned with the mechanisms established by the intergovernmental bodies, including authorization of the presence of experts and rapporteurs in the field, was essential. Those mechanisms and the bodies set up under the human rights treaties provided a forum in which a productive dialogue could be established between the States concerned; Austria noted with satisfaction that an increasing number of countries were committed to that approach through, inter alia, the technical assistance and advisory services provided by the Centre for Human Rights. There were numerous examples which demonstrated that such dialogue and cooperation helped to a large extent to promote and protect human rights.

13. Integrating the promotion and protection of human rights into peace-keeping operations was another aspect which was becoming increasingly important. The recent operations in Cambodia and El Salvador were clear examples of that aspect.

14. Unfortunately, dialogue and cooperation did not always yield the desired results. In some cases, such as that of the former Yugoslavia, the authorities concerned did not respond to such a strategy. The international community must initiate a discussion on how to respond to those systematic and persistent human rights violations. Some cases might require a decision by the Security Council, while in others the presence of observers in the field might be sufficient.

15. The future High Commissioner for Human Rights could play a role in that field; his work would range from dialogue to counselling with regard to the protection of human rights, from coordinating the integration of human rights aspects into all United Nations activities, including peace-keeping operations, to appropriate responses to flagrant human rights violations. In that regard, Austria hoped that that post could be established without delay, which post would enable the United Nations to play a more effective role in the promotion and protection of human rights.

16. Mr. KUNTJORO-JAKTI (Indonesia) underscored the importance of the World Conference on Human Rights because it had provided an opportunity for the international community to deliberate on its approach to human rights at a time when many of the cold war obstacles had been eliminated. The Vienna Declaration and Programme of Action, which had been adopted by consensus, embodied mutual respect for the divergent cultures and historical contexts in which they were to be implemented. The international community was moving towards an overall approach to human rights issues, and his delegation sincerely hoped that the cooperation called for in the Charter of the United Nations would characterize that approach.

17. Indonesia and the non-aligned countries welcomed the establishment by the Committee of the open-ended working group to consider, among other items, the question of the establishment of the post of a High Commissioner for Human Rights. While sufficient time should be allotted in order to explore that question fully, whatever decisions were taken by the working group, particularly those on very sensitive issues, must be based on consensus. Furthermore, since the working group was considering issues of considerable substance and lasting impact, a limited time-frame should not be imposed on it.

18. The World Conference on Human Rights had made a number of recommendations concerning increased coordination in human rights activities within the United Nations system as well as rationalization of the work of the specialized agencies dealing with human rights in order to avoid unnecessary duplication. The Conference had also recognized that increased efforts should be made to assist countries which so requested to create the conditions for the exercise of universal human rights and fundamental freedoms and that, to that end, the programmes of advisory services of the Centre for Human Rights should be strengthened and made more efficient and transparent and that the Centre should be given a larger role in the promotion of human rights to enable it to provide adequate technical assistance to the developing countries. As indicated in the Programme of Action, the Centre should play an important role in coordinating the work of the entire system in the field of human rights.

19. With regard to the recommendation by the Conference that priority should be given to the promotion of democracy, development and human rights, he pointed out that that recommendation had also been set forth in the Jakarta Message, adopted at the Tenth Summit of Non-Aligned Countries. The movement of non-aligned countries was committed to actively promoting democracy, development and human rights and that had been the case since well before the World Conference. He wished to underscore, however, the importance that developing countries attached to giving particular priority to sustainable socio-economic development in order to overcome poverty and ensure a stable future, which should not be misinterpreted as putting human rights on hold, but rather, on the contrary, should be recognized as a serious effort to promote and protect them.

20. The non-aligned countries attached considerable importance to the Declaration on the Right to Development and the reaffirmation by the Conference of the right to development as a universal and inalienable human right and an integral part of fundamental human rights. Accordingly, his delegation urged the General Assembly to formulate and consider in an expeditious manner

(Mr. Kuntjoro-Jakti, Indonesia)

comprehensive and effective measures to eliminate obstacles to enjoyment of the right to development. In that regard, Indonesia had introduced Commission on Human Rights resolution 1993/22, which, inter alia, reaffirmed the need for an evaluation mechanism so as to ensure the promotion, encouragement and reinforcement of the principles contained in the Declaration on the Right to Development and established a working group to identify obstacles to the implementation of that right and recommend ways and means towards its realization. Indonesia had, on behalf of the movement of non-aligned countries, introduced a draft resolution on the right to development, which he hoped would be adopted by consensus.

21. Mr. ANDRIYAKA (Ukraine) stressed the importance of the World Conference on Human Rights and of the Vienna Declaration and Programme of Action, which contained a whole range of important elements of human rights interpretation and practice in the contemporary world. Of particular interest were the conclusions of the Conference concerning the elimination of discrimination against women and the protection of their rights. On that subject, his delegation fully supported the provisions in resolution 1993/46 of the Commission on Human Rights, condemning all acts of violence and violations of human rights directed specifically against women, as well as the initiative to appoint a special rapporteur on violence against women. The activities of the Commission on Human Rights promoted implementation of the Vienna Declaration and Programme of Action to a great extent through its special rapporteurs and working groups. The Ukrainian delegation regarded as very timely resolution 1993/20, on the appointment for a three-year period of a special rapporteur on contemporary forms of racism, racial discrimination and intolerance, and 1993/45, requesting the Special Rapporteurs to protect the right to freedom of opinion and expression. The Programme of Action adopted by the Commission on Human Rights in 1992 for the prevention of the sale of children, child prostitution and child pornography, as well as the report of the Special Rapporteur on that issue, deserved positive appraisal. His delegation supported the activities of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture.

22. Among the recommendations made by the World Conference regarding activities of States to promote the exercise of human rights, special attention should be given to the appeal about the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues. On that subject, he pointed out that Ukraine was a party to basic international human rights documents. In 1990, it had acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights, and it had already established the Special Commission for consideration of international organizations' inquiries on human rights violations. His Government had also acknowledged the competence of the International Court of Justice on six covenants on human rights. Systematic work was being carried out in Ukraine to bring the national legislation in line with international standards, and many legislative acts on human rights had recently been adopted, although there was still a need to abolish the outdated legislation and practices that were still in force.

(Mr. Andriyaka, Ukraine)

23. Economic hardship and external political and economic pressures had made it very difficult to reform social life and apply the international treaties on human rights. Similar obstacles had hindered efforts to reform law enforcement bodies, the penitentiary system and the process of dividing powers among the legislative, executive and judicial branches.

24. The Government of Ukraine was paying special attention to the policy of inter-ethnic relations, bearing in mind that the continuing economic crisis had increased the potential for political instability and that one fourth of the population consisted of representatives from various nationalities. A legal basis had been created to protect the rights of minorities; among the legal acts in that area were the Declaration of Rights of Nationalities, the Law on Languages and the Law on National Minorities of Ukraine. The Ministry for Nationalities and Migration had recently been established. His Government's policy on nationalities was conducted in the following major fields: the revival of Ukrainian statehood and national originality, securing the rights of national minorities in the territory of Ukraine, rehabilitation of the rights of people deported under Stalinism and protection of rights of Ukrainians beyond Ukraine, particularly in the territory of the former Soviet Union.

25. The revival of frequently misinterpreted Ukrainian culture was intended to repair the huge damage caused by forceful Russification, without affecting the interests and rights of ethnic Russians. In that context, the dubious meaning of the term "Russian-speaking population" and of the stated intention of a neighbouring State to protect that population should be pointed out. The fact that half the residents of Ukraine had command of the Russian language did not authorize any entity from abroad to take care of them. Furthermore, Ukrainians in Russia numbered no less than 4.3 million, and yet they did not have a single Ukrainian theatre or newspaper, while the cultural and educational needs of Russians in Ukraine were totally satisfied from the state budget.

26. The Ukrainian delegation welcomed the adoption of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and hoped that in the near future a relevant convention would also be worked out on the basis of that document.

27. Ms. DAMUŠIS (Lithuania) said that one of the principal accomplishments of the international community had been the adoption of the Vienna Declaration and Programme of Action. Lithuania firmly believed that a High Commissioner for Human Rights could bring the world closer to full implementation of human rights. Her delegation lauded the broad range of innovative mechanisms that existed to promote observance of human rights, including advisory services, treaty bodies, working groups, special and thematic rapporteurs, the work of independent experts and the Commission on Human Rights. However, greater coordination and integration of human rights concerns throughout the United Nations system would be needed if the Organization was to be effective in meeting its goals in that area.

28. The protection of rights of persons belonging to minorities was a matter of priority for Lithuania, where minorities made up a fifth of the population. The

(Ms. Damušis, Lithuania)

national policy on minorities had two main components: (1) legislative and administrative measures to protect their rights in order to provide an environment conducive to the preservation of their culture, heritage, language, religion and identity; and (2) minority participation and integration in political, economic and social life and in the development of Lithuania.

29. In 1989, 87 per cent of the residents of Lithuania had chosen to become Lithuanian citizens, and a law on national minorities had been passed which guaranteed equal rights to all citizens. In addition, the State provided financial assistance for educational programmes of minority institutions, and guaranteed minority communities freedom of association and equal access to the press. Also since 1989, the Department of Nationalities had been taking complaints and requests from minority groups in Lithuania. A Council of National Minority Associations, established under the Nationalities Department, was in charge of coordinating the work of leaders and representatives of national minorities and their organizations. It was common knowledge that the rights of minorities and of ethnic Lithuanians had been severely inhibited under Soviet rule, and that many of their schools, newspapers, museums and cultural centres and houses of worship had been closed.

30. Lithuania noted with satisfaction the results of the missions sent by the Secretary-General to Latvia from 27 to 30 October 1992 (A/47/748) and to Estonia from 7 to 11 February 1993 (A/48/511), which had not found gross violations of human rights or discriminatory practices and which had expressed optimism at the openness of the Estonian and Latvian officials to United Nations recommendations. The conclusions had recognized the transitional difficulties of both countries as they endeavoured to "redress certain historical inequities and injustices perpetrated during Soviet rule from 1940 to 1991". The most noticeable injustice had been the massive forcible transfer of civilian populations, which had brought Estonians and Latvians to the brink of national extinction. Lithuania deeply regretted the preposterous charges of the Russian Federation against Estonia and Latvia, as well as the alleged need to protect Russian speakers from political, social and police tyranny. Just as the United Nations missions had observed that some non-ethnic Estonians and non-ethnic Latvians harboured feelings of anxiety about their status and role in society, ethnic Estonians, Latvians and Lithuanians could attest to similar feelings of anxiety about statements by Russian officials linking strategic interests to human rights issues.

31. Her delegation welcomed the removal of the armed forces of the Russian Federation from Lithuanian territory three months earlier, which had ushered in a new era of relations of good-neighbourliness between the two countries. An approach based on dialogue was more likely to achieve lasting results than a position based on public confrontation which ignored specific local and historical circumstances.

32. Mr. AL-DOURI (Iraq) said that there was not a country in the world free of human rights violations, the nature and volume of which varied according to political, economic and social conditions both internal and external. Although everyone knew about that situation, all attention focused on the violations

(Mr. Al-Douri, Iraq)

committed in a few countries, and no one spoke of those committed in the wealthy countries or those well-connected to the superpowers. A tour of New York City at night was a sufficient indication of the human rights situation in the United States, where, in addition, discrimination was practised on the basis of race, sex and ethnic origin.

33. Human rights violations in Iraq were condemned in very strong language that was inappropriate for diplomatic forums, in an attempt to cover up the crime of the century, namely an economic embargo that was causing unspeakable human suffering. In July 1993, the Food and Agriculture Organization of the United Nations (FAO) had published a report detailing the terrible situation in which Iraq found itself as a result of that measure, taken by the international community in August 1990, but there had not been one word of support for Iraq in response to that report. His delegation requested the Committee, as it had requested the Commission on Human Rights previously, to study the effects of the economic embargo on human rights and to publish a report leading to more effective measures than the mere adoption of another repetitive resolution based on unverified information.

34. With regard to the report on the human rights situation in Iraq (A/48/600), it should be mentioned that the Special Rapporteur had visited the country only once, but that several officials had visited Iraqi Kurdistan without government authorization. The report was biased and derogatory and reflected an intention to maintain the embargo despite its negative effects on human rights.

35. The description of the situation in the marshlands was based on information provided by agents of a neighbouring country that wished to harm Iraq. The marshlands had been a theatre for a bloody eight-year war and were now a refuge for outlaws and criminals who sold themselves to Iran and were rightfully being tracked by the Iraqi security forces. That situation had resulted in lies aimed at creating chaos, which the Special Rapporteur had unscrupulously repeated. The lack of water resources affected not only the marshlands but also all of Iraq and the entire region. The low water level had increased the salt content of the water in lands required for agriculture, especially as the country was experiencing such a difficult situation. Those agricultural projects were part of a major effort to rebuild the country's infrastructure, of which the Iraqis were proud. In any event, the Special Rapporteur, whose attitude recalled the days of colonialism, when the Government of Iraq had to obtain approval before taking a decision on its internal affairs, condemned Iraq both when the water level was low and when it was high.

36. The ill will of the Special Rapporteur could also be seen in describing the inhabitants of the marshlands as "indigenous people". Those Arab tribes, whose origins were well known, had deep roots in Iraq and were related to Arabs throughout the region. All Iraqis, save the members of a few minorities, were indigenous peoples, and there was no reason why the people in the marshlands should receive any different treatment from the inhabitants of other areas of Iraq with regard to services or food rations. The foreign journalists who had visited the area had reflected a truer and more objective picture. Small development projects were being conducted in many remote villages in the

(Mr. Al-Douri, Iraq)

marshlands area, and a large-scale development project for enhancing services in the area was under way.

37. The report of the Special Rapporteur mentioned the forced displacement of over 5,000 persons to Iran. Supposing that that figure was correct, which had not been proved, the reason cited by the Special Rapporteur was not true, the real reason being that Iran and its agents were encouraging migration through the use of force or the spreading of false information. Those actions were facilitated by the fact that the inhabitants of the marshlands, who lived near the border between the two countries, had the same ethnic, religious and linguistic background.

38. Regarding the use of chemical weapons, he pointed out that the United Nations Special Commission established pursuant to Security Council resolution 687 (1991) had conducted the investigation referred to in the report of the Special Rapporteur and had issued a press release on 22 November 1993 in which it stated that there was no proof of the use of chemical weapons in the country.

39. The Special Rapporteur stated in his report that Iraq could overcome its medical and food problems by fulfilling Security Council resolutions 706 (1991) and 712 (1991). However, other Member States were not obliged to respect human rights in order for their people to receive food and medicine. Iraq should be able to sell its oil freely and use its assets to buy the basic products its people needed.

40. The vagueness of the charges of torture, detention and enforced disappearances prevented his delegation from responding to them properly. It should be mentioned, however, that the decree granting immunity to the night patrols could not be criticized since the aim of the patrols was to help the local police defend the community. That was also a common practice in many countries experiencing a difficult political situation.

41. With regard to the situation in Iraqi Kurdistan, Iraq was the only country in which the Kurds had an autonomous government, held local legislative elections and fully exercised their cultural, economic, civil and political rights. However, there were parties which had not wanted that experience to work, and those were the same parties which had prevented agreement between the central Government and the Kurdish leaders in early 1992, namely, the countries which were concerned with political gains in the region, including the United States of America. Currently, the region was under the protection of the allied forces and yet there were complaints about an internal blockade imposed by the central Government, even though it had no administrative or military authority in the region. His Government provided food rations to the Kurds, but could not secure the delivery of those rations; instead, the militia which controlled the area distributed them as it pleased. It was true that there was a shortage of medicines in that area, but that problem affected the entire country. It was not true that agricultural targets in Kurdish territory had been bombarded by artillery. His Government could not take responsibility for what was happening in an area which was completely outside its control. The Kurds living elsewhere in Iraq had equal rights with other citizens. The lack of electric power in the

(Mr. Al-Douri, Iraq)

region had been caused because, after the withdrawal of the central Government, the militia, with the support of the allied forces, had dismantled the power generators and sold them to neighbouring countries. The entire region had been looted and even high voltage wires had been stolen, and that had inevitably resulted in a breakdown of electric power.

42. Lastly, his delegation called on all countries, particularly those of Latin America, the Group of 77 and the Non-Aligned Movement, to bear it in mind that most of the information in the report of the Special Rapporteur was erroneous and to give it no credibility with regard to the serious consequences that might follow later.

43. Mr. CASTAÑEDA CORNEJO (El Salvador) said that in the course of 1993 important events had taken place in the area of human rights, in particular, the regional preparatory meeting for Latin America and the Caribbean for the World Conference on Human Rights, held in Costa Rica in January 1993, and the World Conference itself, held at Vienna in July 1993, in which El Salvador had fully participated and had reaffirmed its commitments to respect human rights. El Salvador had also supported the results of the Conference and had undertaken to fulfil the recommendations in the Vienna Declaration and Plan of Action. The World Conference had reaffirmed the universal nature of human rights, including the right to development, and the relationship between those concepts and democracy, which were mutually reinforcing.

44. El Salvador believed that the promotion and protection of human rights should have no borders and that Member States should allow the United Nations to investigate incidents which, for the international community, were unacceptable violations. The principles of sovereignty and non-interference in the internal affairs of States should not be given precedence over the need to investigate cases of human rights violations in any part of the world; unfortunately, however, some specific cases had been politicized and the application of the principles and mechanisms of the system had been selective, thereby damaging the credibility of the Organization and of multilateralism.

45. El Salvador supported the recommendations of the Conference designed to guarantee full rights for women in conditions of equality, take priority measures for the protection of children and make efforts for recognition of the rights of the disabled and the vulnerable groups. It also supported the view that greater attention should be paid to the achievement of economic, social and cultural rights which, if ignored, gave rise to frustration, resentment and social instability which sometimes led to actions in violation of civil and political rights. The improvement of economic and social conditions through integral and sustained development was consonant with the peace-building activities recommended by the Secretary-General in his report "An Agenda for Peace".

46. El Salvador had experienced a deep-seated political and military crisis up to 1991 which had largely been caused by the failure of a model of political, economic and social development which had not been able to meet the growing needs of the Salvadorian people. There had been an increase in the levels of

(Mr. Castañeda Cornejo, El Salvador)

poverty, social injustice, marginality and a lack of credibility of major social sectors; political expression had been suppressed and repressive measures had been taken in violation of human rights and fundamental freedoms to levels that were intolerable for the international community. That situation had reached a peak in the early 1980s but, despite the existence of armed conflict during which serious human rights violations had been perpetrated, it had evolved positively, as reflected in successive reports of the Special Representative of the Commission on Human Rights submitted to the Commission on Human Rights and the General Assembly, culminating in the achievement of the peace agreement, including the San José Agreement on human rights. That evolution had involved substantial changes in Salvadorian political institutions in order to achieve peace and begin the reconciliation and reconstruction of El Salvador through large-scale national efforts, with the solidarity and support of the United Nations and the international community.

47. For more than 10 years El Salvador had been monitored by the Inter-American Commission on Human Rights, at the regional level, and by the Commission on Human Rights and its subsidiary bodies and the Third Committee of the General Assembly, at the global level. Since 1991, the Security Council had considered the situation in El Salvador on the basis of reports of the Secretary-General on the peace process and, later, on the fulfilment of the commitments made in the peace agreement and, more specifically, through the operation, on the ground, of the United Nations Observer Mission in El Salvador (ONUSAL).

48. Over the past five years much more progress had been made than earlier in the protection and promotion of human rights. The reports on El Salvador recognized the efforts of the Government to consolidate a policy defined in fulfilment of its international responsibilities. The Government of El Salvador, with the cooperation of the United Nations, had set up a tripartite commission to investigate and eradicate illegal armed groups so as to remove obstacles to the consolidation of the peace process and the organization of free, transparent and representative elections in 1994. Moreover, the Government was currently reviewing international human rights instruments so that it would be able to accede in due course to those which would enable it to expand the enjoyment of those rights by the Salvadorian people.

49. The historical incidents, situations and circumstances which had given rise to the consideration of the item in the Committee had been left behind and a new historical stage had begun in which a new society would be built on the basis of peace, democracy and development along with social justice and respect for human rights and fundamental freedoms. Moreover, the consideration of the item required a multiplicity of efforts, resulting in expenses and loss of time for the United Nations which could be avoided if the analysis of the situation was carried out in a single body.

50. El Salvador was on the eve of a sovereign decision to be taken by its people in free, truly democratic, transparent and pluralist elections which were the outcome of a historical process of search for peace, in which for the first time in modern history political parties representing all ideological outlooks would participate, including the former Salvadorian guerrilla group (Frente

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Farabundo Martí para la Liberación Nacional), which had now entered El Salvador's political and institutional life as a political party. At the request of the Government, those elections would be carried out with the assistance and under the observation of the United Nations.

The meeting rose at 9.15 p.m.